

LLOYDMINSTER SUBDIVISION AND DEVELOPMENT APPEAL BOARD DECISION

APPEAL TO BE HEARD:	Development Permit Refusal
Municipal Address:	5411 44 Street, Lloydminster, Alberta
Zoning:	C2 Highway Corridor Commercial
Legal Description:	Lot 1, Plan 832-0990
Permit No.	25-4684
Appellant Name:	Sandeep Bhullar

A. INTRODUCTION

1. The Appellant, Sandeep Bhullar, on February 13, 2025 applied for a liquor store to be located at 5411 44 Street, Lloydminster, Alberta. Upon review of Land Use Bylaw 5-2016, Section 5.2, Alcohol Sales, it is noted that there is a requirement to have a 100 metre radial separation from the site boundary to existing community or recreation activities, including but not limited to existing public parks.

Reviewing the area it has been identified that there is a public park at approximately 90 metres from the boundary of the lot of the proposed development to the boundary of the existing public park.

2. Administration completed the review of Land Use Bylaw 05-2016, Municipal Development Plan (MDP), and other applicable City Bylaws and Policies and refused the application on February 14, 2025.
3. The Appellant appealed the Development Permit Refusal.

B. PRELIMINARY MATTERS

1. Subdivision and Development Appeal Board (SDAB) members – the Chair asked the Appellant and other parties in attendance whether there were any objections to the SDAB members – there were no objections.
2. Hearing Process - the Chair reviewed the hearing process. The Chair asked the Appellant and other parties in attendance whether there were any objections to the hearing process. There were no objections.

C. SUMMARY OF HEARING

1. The SDAB Board heard from Development Authority, represented by Development Officer, Roxanne Short, who read from the City's submission that was provided to the Board and did not expand further on the original submission.
2. The SDAB Board asked the Development Officer if the Board were to find for the Appellant, what if any conditions would be appropriate. The Development Officer recommended the following conditions:
 - a. Approved for use only for Alcohol Sales.
 - b. The Applicant is responsible to obtain and maintain a Business License. Call 780-875-6184 ext. 2123 to confirm status.

- c. Any changes to the scope of work or the addition of other uses may require additional permits to be submitted. The City shall be contacted prior to ensure conformance to Land Use Bylaw.
 - d. The Applicant shall adhere to all Federal, Provincial, and Municipal regulations, bylaws, standards, and policies that apply.
 - e. The Applicant must contact Lucas van Assem, Pollution Prevention Project Lead, Wastewater Services, at 780-874-3700 ext. 2769, prior to March 28, 2025, to confirm if a site inspection is required.
 - f. Any renovations for this development may require a building permit and/or a plumbing permit to be submitted to the City. Contact Jeff Sydoruk, Building Inspector, Superior Safety Codes at 780-870-9020 with the scope of work to confirm if additional permits are required.
3. The SDAB Board heard from the Appellant, Sandeep Bhullar, who also reiterated the contents of their submission.
 4. One member of the public was in attendance who wished to speak in favour of the appeal and there were no additional written submissions.
 5. The SDAB asked the Development Officer if the variance requested was within their approval would it be allowed. The Development Officer indicated that if the ten (10) metre request for a variance was within their approval authority it would have been granted.

D. DECISION

1. The SDAB allows the appeal and approves the Appellant's request for a total variance of ten (10) metres for the property located at 5411 44 Street, Lloydminster, Alberta (Lot 1, Plan 832-0990) subject to the conditions recommended by the Development Authority.

E. REASON FOR DECISION

1. The SDAB considered the impact of the variance and the affect of Section 687(3)d in that the additional variance of 10 metres would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land.
2. The SDAB Board took into consideration that the location had previously been an Alcohol Sales use case and that Alcohol Sales is currently a permitted use in C2 Highway Corridor Commercial District.
3. It was also noted by the Board that there is substantial separation created by the parking lot, highway, fencing and trees that are present between the building where the Alcohol Sales would take place and the park in question.

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Shannon Rowan

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Shannon Rowan
Subdivision and Development Appeal
Board Clerk

Signed by:

Bernal Ulsifer

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Bernal Ulsifer
Subdivision and Development Appeal
Board Chair

IMPORTANT INFORMATION FOR APPELLANT

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*, R.S.A. 2000, c. M26.