

SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA

Wednesday, 9:00 A.M.
March 4, 2026

Virtual Hearing

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
VIRTUAL HEARING**

I 9:00 A.M. SDAB-D-26-044

Change the use of an Indoor Sales and Service to a
Liquor Store and construct interior alterations

10371 - 112 Street NW
Project No.: 640659182-002

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-26-044

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT PLANNER

APPELLANT:

APPLICATION NO.: 640659182-002

APPLICATION TO: Change the use of an Indoor Sales and Service to a Liquor Store and construct interior alterations

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: February 9, 2026

DATE OF APPEAL: February 9, 2026

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10371 - 112 Street NW

LEGAL DESCRIPTION: Plan 1282RS Blk 11 Lot 118A

ZONE: DC2.1177 - Site Specific Development Control Provision (Charter Bylaw 19830)

OVERLAY: N/A

STATUTORY PLAN: N/A

DISTRICT PLAN: Central District Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Appellant: Liquor Vibes
Development Permit No.: 640659182-002
Property Address: 10379 112 Street NW, Edmonton, AB

Decision Being Appealed:

The decision of the Development Authority refusing the Development Permit application for a Liquor Store due to non-compliance with the 500-metre separation distance set out in Section 85.1 of Zoning Bylaw 12800.

Expanded Grounds for Appeal:

1. Minor and Technical Nature of the Variance

The measured separation distance shortfall ranges from approximately 8 metres to 39 metres, representing a deviation of less than 8% from the required distance. Such a variance is minor and technical in nature and does not materially alter land use outcomes or neighbourhood function.

2. Intent of the Separation Policy Is Maintained

The purpose of the 500-metre separation requirement is to prevent clustering and mitigate cumulative impacts. The subject site is separated from other liquor stores by multiple intervening parcels, roadways, and commercial uses, and does not contribute to clustering or concentration concerns.

3. Urban Context and Built Form Considerations

The site is located within a dense, mixed-use urban corridor where block sizes, lot configurations, and street patterns make rigid linear measurements less reflective of actual land use impacts. In such contexts, minor variances are often necessary to achieve reasonable and practical development outcomes.

4. No Identified Adverse Impacts

The Development Authority identified no concerns related to public safety, traffic, parking, policing, nuisance impacts, or land use compatibility. No evidence was presented to demonstrate that the proposed liquor store would negatively impact adjacent properties or the surrounding area.

5. Consistency with Existing Zoning and Approved Uses

The property is zoned for commercial use and permits Indoor Sales and Service activities. A liquor store is a low-intensity, highly regulated retail use that is consistent with the intent of the zoning and the existing commercial character of the area.

6. Regulatory Oversight and Operational Controls

Liquor retail operations are subject to strict provincial regulation by the Alberta Gaming, Liquor and Cannabis Commission (AGLC), including security, staff training, hours of operation, and compliance monitoring. These controls further mitigate any potential land use impacts.

7. Efficient and Orderly Development

Refusal of the application results in inefficient use of an otherwise suitable commercial space without providing a corresponding public benefit. Approval with a minor variance would support orderly development consistent with the objectives of the Municipal Development Plan and commercial revitalization goals.

8. SDAB Authority to Grant Variance

While the Development Authority correctly noted its lack of authority to grant a variance under Section 85.5 of the Zoning Bylaw, the Subdivision and Development Appeal Board has the authority under the Municipal Government Act to approve the development permit with a variance where the variance is minor and appropriate.

Relief Requested:

The Appellant respectfully requests that the Subdivision and Development Appeal Board allow the appeal and approve the Development Permit with a minor variance to Section 85.1 of Zoning Bylaw 12800, as the variance is minimal, the intent of the bylaw is maintained, and no material adverse impacts arise from the proposed development.

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses 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 the decision in accordance with subsection (2.1).

...

(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 the decision in accordance with subsection (2.1).

(3) Despite 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 or the application for the development permit was deemed to be refused under section 683.1(8).

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(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 written decision is given 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

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, 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.

685(4) Despite subsections (1), (2), (2.1) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) ...

(b) is made by a development authority, the appeal may only be made to the subdivision and development appeal board and is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clause (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

...

<i>Zoning Bylaw 20001 - Part 7 - Administrative and Interpretative Clauses</i>

Section 7.10, *Repeal, Enactment and Transition Procedures*, states the following:

1. Edmonton Zoning Bylaw 12800, as amended, is repealed.
2. The regulations of this Bylaw come into effect on January 1, 2024 (the "effective date").
3. The regulations of this Bylaw apply from the effective date onward:
 - 3.1 subject to the regulations for non-conforming Uses as outlined in the Municipal Government Act; and
 - 3.2 despite the effect it might have on rights, vested or otherwise.
4. Regulations for zoning, land use, or development in any other Bylaw must not apply to any part of the city described in this Bylaw except as otherwise provided for in this Bylaw.
5. Development Permit applications must be evaluated under the regulations of this Bylaw as of the effective date, even if the application was received before this date.

6. Any Direct Control Zone regulations that were in effect immediately prior to the effective date of this Bylaw will continue to be in full force and effect and are hereby incorporated into Part 4 of this Bylaw.

Section 7.20.4, *General Rules of Interpretation - Direct Control Zones and Existing Development Permits*, states the following:

4.1. For the purpose of any Direct Control Zone passed on or before December 31, 2023:

4.1.1. the definitions of the listed Uses in the Direct Control Zone must be interpreted in compliance with either Land Use Bylaw 5996 as it appeared on June 13, 2001, or Zoning Bylaw 12800 as it appeared on December 31, 2023, whichever is applicable;

4.1.2. where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.1.3. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on December 31, 2023.

4.2. For the purpose of any Direct Control Zone passed on or after January 1, 2024:

4.2.1. where the Direct Control Zone references a specific Section or Subsection of a land use bylaw, that reference is interpreted to be to the specific Section or Subsection of the land use bylaw that was in effect on the date on which the Direct Control Zone was approved by Council; and

4.2.2. where the Direct Control Zone references a specific Zone or Overlay of a land use bylaw, that reference is interpreted to be to the specific Zone or Overlay of the land use bylaw that was in effect on the date of decision for the Development Permit application.

4.3. Where there is a discrepancy between this Bylaw and any previous land use bylaw, the existing Direct Control Zone must not be interpreted to provide any additional rights than are otherwise contemplated in the Direct Control Zone.

4.4. For the purpose of any Development Permit issued on or before December 31, 2023, the Use identified in the permit is interpreted to have the same Use definition as set out in the applicable previous land use bylaw on the date on which the Development Permit was issued.

...

4.6. For all Direct Control Zones created prior to August 24, 1998, that contain Single Detached Housing, Semi-detached Housing, Duplex Housing or Secondary Suite as a listed Use:

4.6.1. the maximum number of Single Detached Housing Dwellings per Lot is 1;

4.6.2. the maximum number of Semi-detached Housing or Duplex Housing Dwellings per Site is 2; and

4.6.3. the maximum number of Secondary Suites per principal Dwelling is 1,

unless specifically noted otherwise in the Direct Control Zone.

Section 7.40, *Application of General and Specific Development Regulations*, states the following:

1. General Development Regulations

1.1 The General Development Regulations in Part 5 apply to all developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

2. Specific Development Regulations

2.1 The Specific Development Regulations in Part 6 apply to specific developments on all Sites. These regulations take precedence except where the regulations of a Zone, Direct Control Zone, Special Area, or Overlay specifically exclude or modify these regulations with respect to any development.

Section 7.80, *Application of Direct Control Zones*, states the following:

5.1 Unless specifically excluded or modified by a regulation of a Direct Control Zone, all regulations in the Zoning Bylaw apply to development in a Direct Control Zone. Site plans and building elevations cannot exclude or modify regulations of the Zoning Bylaw.

Section 7.100, *Authority and Responsibility of the Development Planner, Variance to Regulations*, states the following:

4.3 A variance must not be granted for a Development Permit application within a Direct Control Zone except where the ability to grant a variance is specified:

4.3.1. within the Direct Control Zone;

4.3.2. within an applicable regulation of a previous land use bylaw where such regulation has been referred to in the Direct Control Zone; or

4.3.3. within an applicable regulation of this Bylaw.

4.4. In the case of a conflict between Subsection 4.3 and the applicable Direct Control Zone, the Development Planner must comply with the provisions of the applicable Direct Control Zone.

General Provisions from the DC2.DC2 1177 - Site Specific Development Control Provision (“DC2”)

Under section 3.15, a **Liquor Store** is a **Listed Use** in the **DC2**.

Section 1 states that the **General Purpose** of the **DC2** is:

To accommodate a mixed-use development with commercial and residential uses that provides for an active and inviting pedestrian-oriented streetscape fronting onto 104 Avenue NW and 112 Street NW, while creating a sensitive transition to the south.

General Provisions from the Edmonton Zoning Bylaw 12800:

Under Section 7.4(30), **Liquor Store** means:

development used for the retail sale of any and all types of alcoholic beverages to the public for off-site consumption. This Use may include retail sales of related products such as soft drinks and snack foods.

Section 85 provides the following with respect to **Liquor Stores**:

- 1. Any Liquor Store shall not be located less than 500 m from any other Liquor Store.**
2. Notwithstanding subsection 85(1), a Liquor Store may be located less than 500 m from any other Liquor Store if located:
 - a. outside the boundary shown in Appendix 1 to Section 85, provided:
 - i. the Liquor Stores are located on separate Sites, and
 - ii. at least one Liquor Store is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3.

3. For the purposes of Section 85, the 500 m separation distance shall be measured from the closest point of the Liquor Store to the closest point of any other approved Liquor Store.
4. Any Site containing a Liquor Store shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the Liquor Store. Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, are exempt from this restriction. For the purposes of this subsection only:
 - a. the 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
 - b. the term "community or recreation activities" is limited to Community Recreation Services, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits, or Religious Assembly;
 - c. the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools; and
 - d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.
5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 85(4).
6. Notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9).
7. When the Development Officer receives an application for a Development Permit that is for the purpose of accommodating the temporary relocation of an approved Liquor Store within 500 m of its original location, a variance to subsection 85(1) or subsection 85(2) may be granted where:
 - a. the application for the Development Permit is for a Temporary Development, in order to limit the introduction of an additional Liquor Store within 500 m of the original approved Development Permit;
 - b. the temporary location for any Liquor Store is not within 500 m of any legally conforming Liquor Store; and

- c. the application for a Development Permit will not result in a total Floor Area for a Liquor Store that is 10.0% greater than the Floor Area of the existing approved Liquor Store, to a maximum increase of 50 m².
8. When a Development Officer receives an application for a Development Permit that is for the purpose of accommodating the reversion of an existing approved Liquor Store back to its original location on a Site, a variance of subsection 85(1) or subsection 85(2) may only be granted where the application for the reversion is submitted to the Development Officer within 5 years of the date of vacating the original location and the application will not result in a total Floor Area that is greater than the original approved Liquor Store.
9. The issuance of a Development Permit which contains a variance pursuant to subsection 85(7) shall be issued as a Temporary Development for a duration of up to 5 years or less, to be determined by the Development Officer.
10. The Development Officer may require lighting, signage or screening measures that ensure the proposed development is compatible with adjacent or nearby Residential Uses or Commercial Uses.
11. Liquor Stores shall include the following to allow for natural surveillance to promote safe surroundings:
 - a. Customer access is oriented to:
 - i. a public or internal roadway, other than a Lane;
 - ii. a shopping centre parking lot in front of the store; or
 - iii. a mall access that allows visibility from the interior of the mall into the store.
 - b. Premises located at ground level shall include:
 - i. Ample transparency to maintain sight lines into and out of the premises. To ensure transparency and sight lines are maintained:
 1. Not more than 10% of the windows may be covered by Signs, the remainder shall be clear, untinted, and free from obstruction.
 - ii. Outdoor lighting is required to provide a well-lit environment for pedestrians entering and exiting the premises and to illuminate the property. The Development Officer shall require the applicant to provide a plan showing the location and details of perimeter lighting to ensure adequate lighting.
 - iii. Landscaping shall be located such that it does not obstruct sight lines into the premises.

Development Planner's Determination

Liquor Stores shall be located at least 500m from other approved Liquor Stores (S. 85.1, Zoning Bylaw 12800):

Required Separation Distance: 500m

Proposed Separation Distance: 461m-492m

Deficient By: 8m-39m

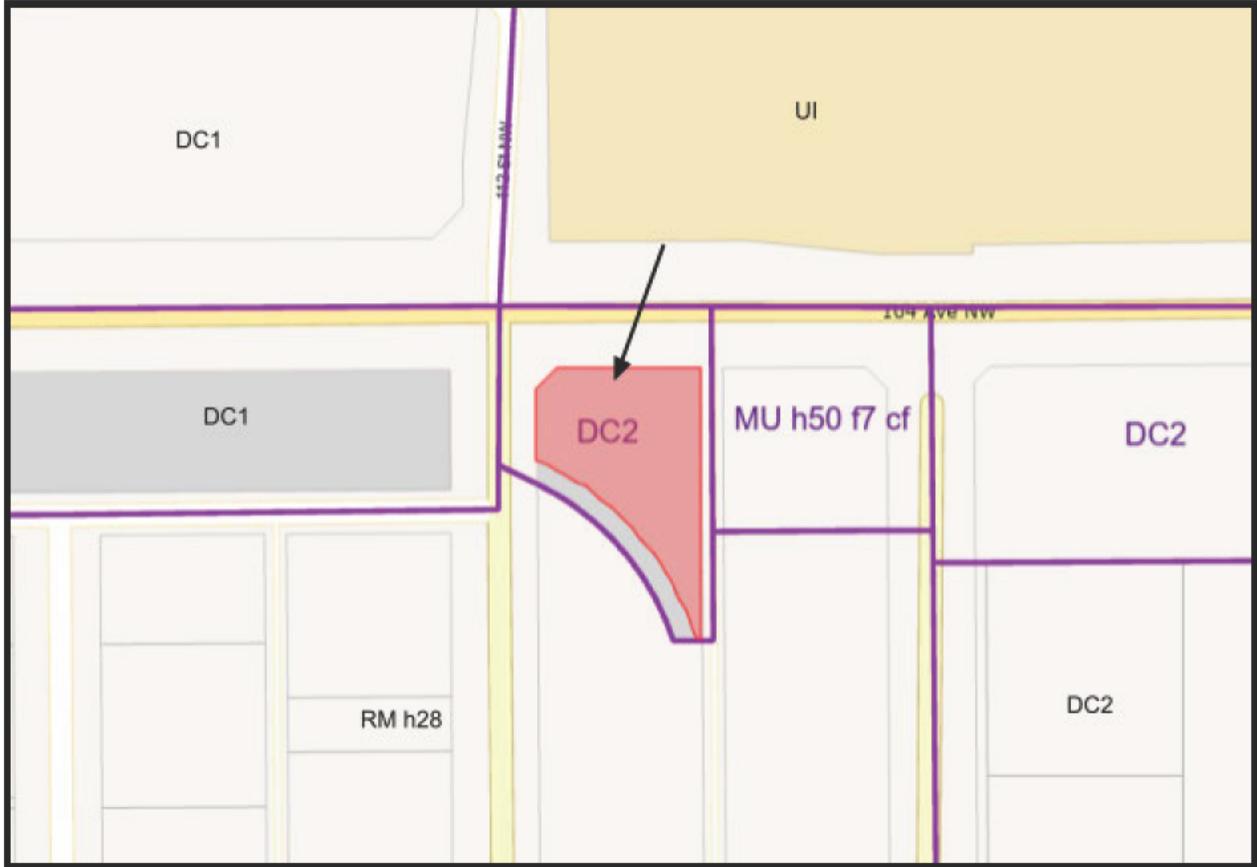
Under S. 85.5 of Zoning Bylaw 12800, the Development Authority may not grant the variance required to allow for the proposed development.

[unedited]

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing.

	<h2 style="margin: 0;">Application for Development Permit</h2>	Project Number: 640659182-002 Application Date: DEC 15, 2025 Printed: February 9, 2026 at 5:55 PM Page: 1 of 1												
This document is a Development Permit Decision for the development application described below.														
Applicant	Property Address(es) and Legal Description(s) 10371 - 112 STREET NW Plan 1282RS Blk 11 Lot 118A													
	Specific Address(es) Suite: 10379 - 112 STREET NW Entryway: 10379 - 112 STREET NW Building: 10371 - 112 STREET NW													
Scope of Application To change the use of an Indoor Sales and Service to a Liquor Store and construct interior alterations.														
Details														
Development Category: Lot Grading Needed?: N/A NumberOfMainFloorDwellings: Site Area (sq. m.):	Gross Floor Area (sq. m.): New Sewer Service Required: Overlay: Statutory Plan:													
Development Application Decision Refused Issue Date: Feb 09, 2026 Development Authority: WELCH, IMAI Reason for Refusal Liquor Stores shall be located at least 500m from other approved Liquor Stores (S. 85.1, Zoning Bylaw 12800): Required Separation Distance: 500m Proposed Separation Distance: 461m-492m Deficient By: 8m-39m Under S. 85.5 of Zoning Bylaw 12800, the Development Authority may not grant the variance required to allow for the proposed development.														
Rights of Appeal The Applicant has the right of appeal to the Subdivision and Development Appeal Board (SDAB) within 21 days after the date on which the decision is made as outlined in Chapter M-26, Section 683 through 689 of the Municipal Government Act.														
Fees														
Major Dev. Application Fee Total GST Amount: Totals for Permit:	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Fee Amount</th> </tr> </thead> <tbody> <tr> <td style="text-align: right;">\$410.00</td> </tr> <tr> <td style="text-align: right; border-bottom: 1px solid black;">\$0.00</td> </tr> <tr> <td style="text-align: right;">\$410.00</td> </tr> </tbody> </table>	Fee Amount	\$410.00	\$0.00	\$410.00	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Amount Paid</th> </tr> </thead> <tbody> <tr> <td style="text-align: right;">\$410.00</td> </tr> <tr> <td style="text-align: right; border-bottom: 1px solid black;">\$410.00</td> </tr> </tbody> </table>	Amount Paid	\$410.00	\$410.00	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Receipt #</th> <th style="text-align: left; border-bottom: 1px solid black;">Date Paid</th> </tr> </thead> <tbody> <tr> <td>05390G000013049</td> <td>Jan 21, 2026</td> </tr> </tbody> </table>	Receipt #	Date Paid	05390G000013049	Jan 21, 2026
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SURROUNDING LAND USE DISTRICTS

Site Location ← **File: SDAB-D-26-044** ▲
N