



Notice of Appeal

Subdivision and Development Appeal Board (SDAB)
Foothills County www.foothillscounty.ab.ca

309 Macleod Trail, Box 5605, High River, AB T1V 1M7 • Tel: 403-652-2341 Fax: 403-652-7880



APPELLANT INFORMATION (e.g. Landowner or Affected Party)

Name of Appellant(s) Tyler Sunquist & Cassandra Lehmann

Mailing Address [Redacted] Province AB Postal Code [Redacted]

Main Phone # [Redacted] Alternate Phone # [Redacted]

I consent to receive documents by email: Yes No

Email Address: [Redacted]

AGENT INFORMATION & CERTIFICATION (complete section if applicable)

Name of Organization: Frontier Homes Inc

Contact Name: Pat McGaffey

Mailing Address [Redacted] Province AB Postal Code [Redacted]

Main Phone # 403 371 3744

I consent to receive documents by email: Yes No

Email Address: frontierhomesincab@gmail.com

I (We) [Redacted] hereby authorize Frontier Homes Inc (Pat McGaffey) to act on my (our) behalf on matters pertaining to this appeal.

Signature of Applicant(s) [Redacted] Date Oct 31/23 Signature of Appellant(s) [Redacted] Date Oct 31/23

SITE INFORMATION

Municipal Address (house and street number): [Redacted]

Legal Land Description: Plan 121269/ Block 1 Lot 2
 Quarter-Section Township Range Meridian
NW 10 21 5

I AM APPEALING (check only one)

Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal Development Permit # <u>23D171</u>	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Subdivision Application # _____	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order Enforcement Order # _____
Date of Decision: (Y/M/D) <u>2023/10/12</u>	Date of Decision: (Y/M/D) _____	Date of Decision: (Y/M/D) _____

REASON FOR APPEAL (attach separate page(s) if required)

All appeals should contain the reasons for the appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

The reason for the appeal is the 900 sq. ft. allowed is too small for what needs to be designed for the customer. As you can see from the current drawing there is an elevator, for easy accessibility that the owners need due to health issues regarding mobility.

TURN OVER AND COMPLETE REVERSE SIDE

whether it is 900 sq ft or 1400 sq ft the building width does not change, it's length changes to accommodate the easy accessibility that is important. The width of the building faces the street and has the same decor as the main house, the added length is in the rear, this was done to accommodate the elevator and extra bedroom.

There is 100% acceptance from all neighbors that live in the area, we have included those for the support of the carriage house. We are looking for support of the Appeal board to allow the size of the carriage house to be built.

This information is being collected for the Subdivision and Development Appeal Board of Foothills County and will be used to process your appeal and to create a public record of the appeal hearing. This information is collected in accordance with Section 33(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions regarding the collection or use of this information, contact the FOIP Coordinator at (403) 652-2341.

[Redacted Signature]

Oct 31/23
Date

Signature of Appellant(s) OR
Person Authorized to Act on Behalf of Appellant(s)

A hearing must be held within 30 days from the receipt of your Notice of Appeal. Written notice of the date and time of the hearing will be sent by regular mail. If the appeal is against the decision of a Subdivision Authority, notice will be sent to the appellant, landowner(s) of the subject property, and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to the appellant, landowner(s) of the subject property and to landowners located within the half mile surrounding the subject property.

**NOTE FOR EMAIL SUBMISSIONS ONLY: IF YOU DO NOT RECEIVE AN EMAIL CONFIRMATION NOTIFYING YOU OF RECEIPT OF YOUR APPEAL, PLEASE CONTACT THE SDAB CLERK IMMEDIATELY. **

PAYMENT OF APPEAL FEE

If submitting the Notice of Appeal form and paying the appeal fee in person, you do not need to complete this section. If submitting the Notice of Appeal form by email, you must complete this section.

Appeal fees are outlined on the attached information sheet - Submitting an Appeal

CREDIT CARD INFORMATION	
Card type:	<input type="checkbox"/> Visa <input checked="" type="checkbox"/> Master Card <input type="checkbox"/> American Express
Name as it appears on Card:	Patrick McGaffey Card Number: [Redacted]
Date of Expiry:	[Redacted] CVC: [Redacted]
Authorization: I authorize Foothills County to charge \$ 575.00 to my credit card.	
Signature of Card Holder:	[Redacted] Date: Oct 31/23

FOR OFFICE USE ONLY		
Authorized By:	Date:	Receipt #:

Submitting an Appeal – Subdivision Authority Decisions

Appeals of decisions on subdivision applications are covered by [sections 678 to 682 of the Municipal Government Act](#).

A decision on an application for subdivision may be appealed by the applicant, by a Government department (if that department is required to be circulated on the application) or by the School Authority (with respect to matters related to municipal reserve or school reserve lands).

Appeals must be made by filing a notice of appeal within **14 days** of receipt of the decision with either the local Subdivision and Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears subdivision appeals where there is a provincial interest. Otherwise, the appeals are heard by the local SDAB.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- within Alberta's "Green Area"
- 'adjacent' to or contains a body of water
 - adjacent means contiguous or would be contiguous if not for a railway, road, utility right of way or reserve land
- adjacent to or contains (either partially or wholly) land identified on the Listing of Historic Resources or public land set aside for use as historic resource
- the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- the subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas
- within the following distances:
 - 1600 metres of a provincial highway
 - 450 metres of a hazardous waste management facility
 - 450 metres of the working area of an operating landfill
 - 300 metres of the disposal area of any landfill
 - 300 metres of a wastewater treatment plant
 - 300 metres of the working area of a non-hazardous waste storage site

Some of the distances may be varied in writing by a provincial government department, in which case the SDAB will hear the appeal.

Submitting an Appeal – Development Authority Decisions

Appeal of development authority decisions are covered by [Sections 684 to 687 of the Municipal Government Act](#).

A decision on an application for development may be appealed by the person applying for the permit or by any person affected by an order, decision or development permit made or issued by a development authority.

An order issued under a decision of Enforcement Services, being a Stop Order or Compliance Order, may be appealed by the person affected by the order.

Appeals must be made by filing a notice of appeal within **21 Days** after the date on which the written decision is given with either the local Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears development appeals where there is a provincial interest. Otherwise, the appeals are heard by the local Subdivision and Development Appeal Board.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- The subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- The subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas

THE APPEAL FEE MUST ACCOMPANY THE NOTICE OF APPEAL FORM

**Appeal fees are set in the County's Fee Bylaw, which is generally reviewed and amended annually.*

Appeal Type	Fee
Development Authority Decision (fee refunded if appellant appears before the Subdivision and Development Appeal Board)	\$100
Development Authority Decision – Automatic Refusal	\$575
Stop Order	\$575
Subdivision Authority Decision (paid at time of subdivision application and used as a credit on endorsement fees except where the owner/agent appeals the subdivision decision or a condition of the subdivision)	\$2,000

How to submit your appeal and pay your fee

Completed Notice of Appeal forms may be submitted by mail, in person or by email. Your Notice of Appeal must be received on or before the final appeal deadline and must include the applicable fees as outlined above.

Mail or deliver to:

SDAB Clerk, Foothills County
Box 5605, 309 Macleod Tr. S., High River, AB T1V 1M7

Email to:

appeals@foothillscountyab.ca

Please make cheques payable to "Foothills County"

To pay by Credit Card, please use the Credit Card Authorization section found on page 2 of the Notice of Appeal Form.

****NOTE FOR EMAIL SUBMISSIONS ONLY: IF YOU DO NOT RECEIVE AN EMAIL CONFIRMATION NOTIFYING YOU OF RECEIPT OF YOUR APPEAL, PLEASE CONTACT THE SDAB CLERK IMMEDIATELY****

What happens after my appeal is submitted?

Once your completed Notice of Appeal form is submitted on time and with the required fee, the appeal will be heard by the SDAB within 30 days. The SDAB Clerk will provide you with additional information regarding the appeal hearing.

If the appeal is against the decision of a Subdivision Authority, notice will be sent to you and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to you and to landowners located within the half mile surrounding the subject property.

More information

For more information about filing an appeal or SDAB procedures, please contact the SDAB Clerk at:

Phone: 403-652-2341

Email: appeals@FoothillsCountyAB.ca



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: October 12, 2023

THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 23D 171

LANDOWNER(S): TYLER SUNQUIST & CASSANDRA LEHMANN

AGENT: FRONTIER HOMES INC.

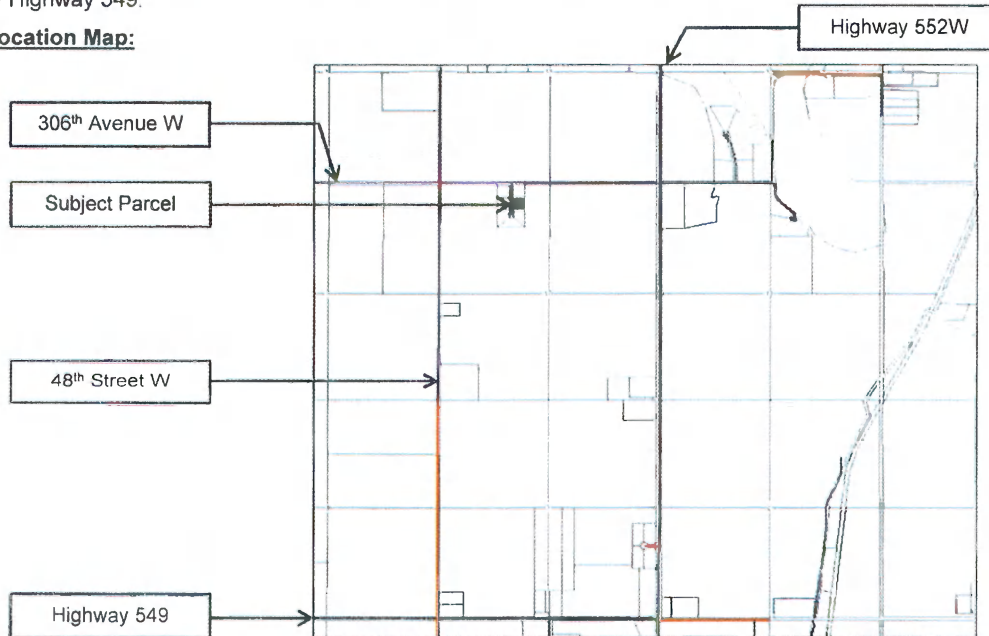
PROPOSAL DESCRIPTION: OVERSIZED SECONDARY SUITE, ACCESSORY

LEGAL DESCRIPTION: PTN. NW 10-21-01 W5M; PLAN 1212691, BLOCK 1, LOT 2

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 2 acre Country Residential District parcel, located on 43rd Street W, approximately 100 metres south of 306th Avenue W, 1 kilometre west of Highway 552W, and 3 kilometres north of Highway 549.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for a Secondary Suite, Accessory to be constructed within a proposed accessory building on the subject parcel. The accessory building is to have a total footprint of +/- 1,406 sq. ft. and the Secondary Suite is to be built on the second level of the accessory building, having a total area of +/- 1,406 sq. ft.

Secondary Suite, Accessory means a dwelling, secondary suite, located within an accessory building or detached garage which is subordinate to the principal dwelling on the same parcel, that has a Minimum Habitable area of 37 sq. m. (400 sq. ft.), and a maximum size of up to 50% of the gross floor area of the accessory building to a maximum of 83.6 sq. m. (900 sq. ft.).

Secondary Suite is a Discretionary Use under the Country Residential Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer, and subject to a 21-day appeal period.

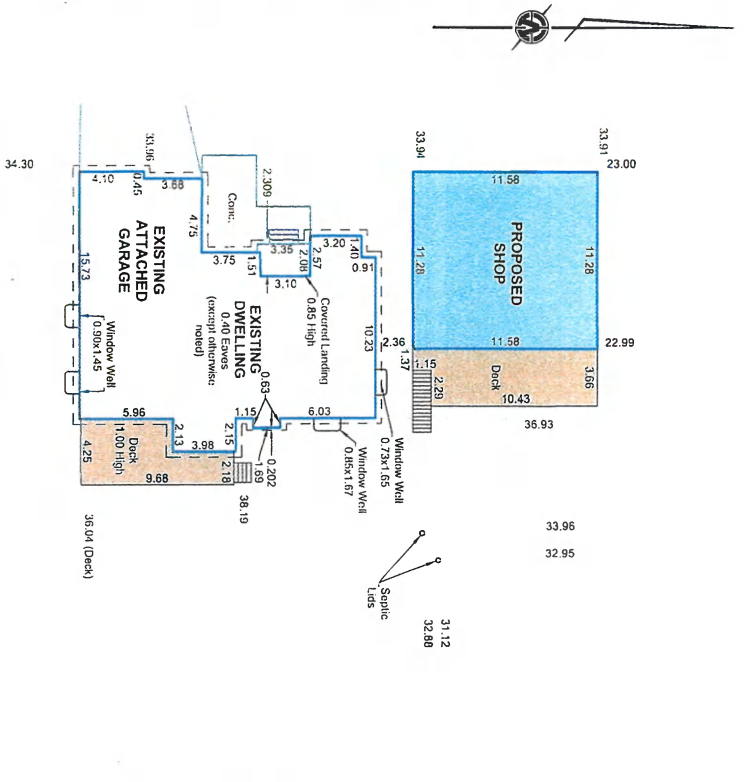
The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of *Secondary Suite, Accessory*, on the subject parcel being a portion of NW 10-21-01 W5M; Plan 1212691, Block 1, Lot 2 has been considered by the Development Officer and is **REFUSED** subject to the following.

REFUSAL DESCRIPTION:

Section 10.26.10 of the Land Use Bylaw 60/2014 identifies that Secondary Suite, Accessory shall meet the following size requirements:

- Minimum habitable area: 37 sq. m. (400 sq. ft.);
- Maximum size: up to 50% of the gross floor area of the accessory building to a maximum of 83.6 sq. m. (900 sq. ft.).

The proposed suite size exceeds the maximum that may be considered by the Development Authority. As such, this application is considered an automatic refusal and if appealed, will be given further consideration by the Development Appeal Board.



DETAIL
SCALE 1:300

PLOT PLAN SHOWING PROPOSED SHOP, WATER WELL & SEPTIC LIDS

SUBJECT PROPERTY:

LOT 2, BLOCK 1, PLAN 121 2691
306026 43RD STREET WEST, FOOTHILLS COUNTY, ALBERTA

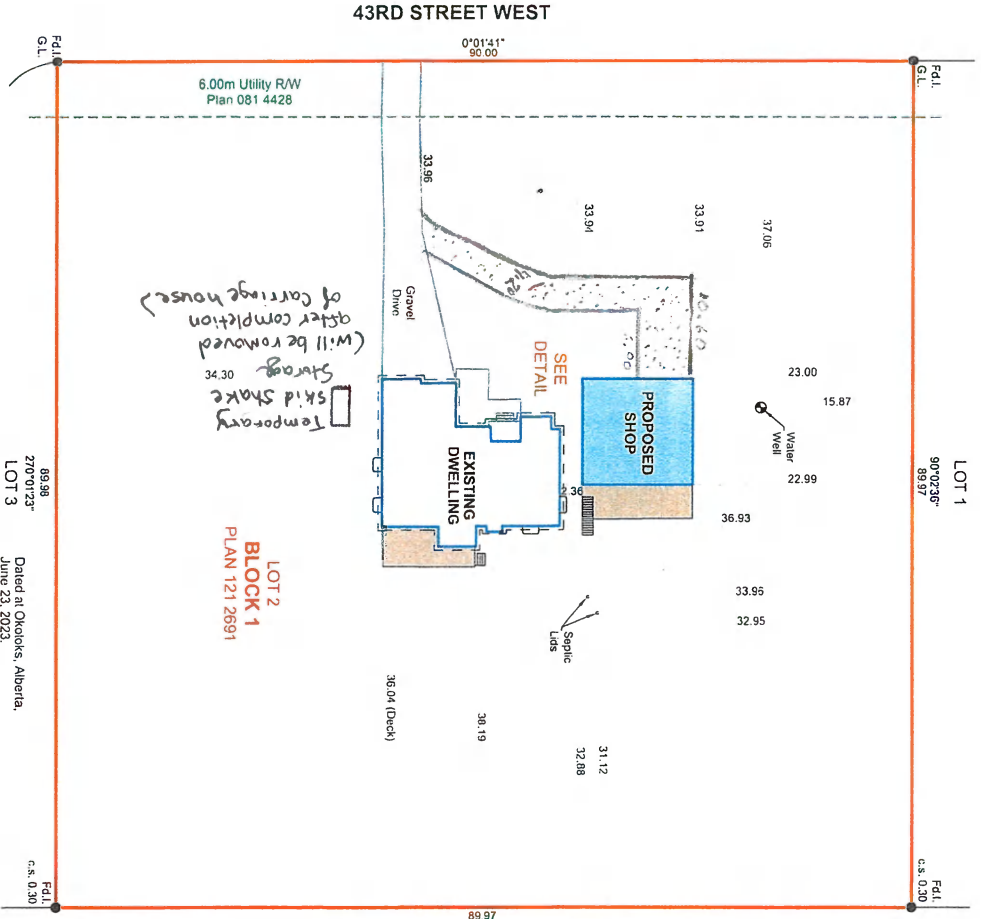
NOTES:

- All distances and elevations are in meters and decimals thereof.
- Bearings are 31M-114 Grid and are derived from GNSS observations.
- Survey conducted February 23, 2021 & June 23, 2023.

LEGEND:

SYMBOLS AND ABBREVIATIONS THAT MAY APPEAR ON THIS PLAN.

Iron Post found: ●
Iron Bar found: ○
Ditch Hole found: X
Calculated Position: ○
Boundary of Subject Property: —
Right-of-Way: —
Exterior Wall: —
Eave: —
Fence: —



SCALE 1:500

89.98
270°07'23"
LOT 3

Dated at Okotoks, Alberta,
June 23, 2023.

M. Kent Croucher, A.L.S.

Copyright Absolute Surveys Inc., 2023

REV.	DATE	ISSUED	COMMENT
0	Jun. 23, 2023	MSM/DJR	

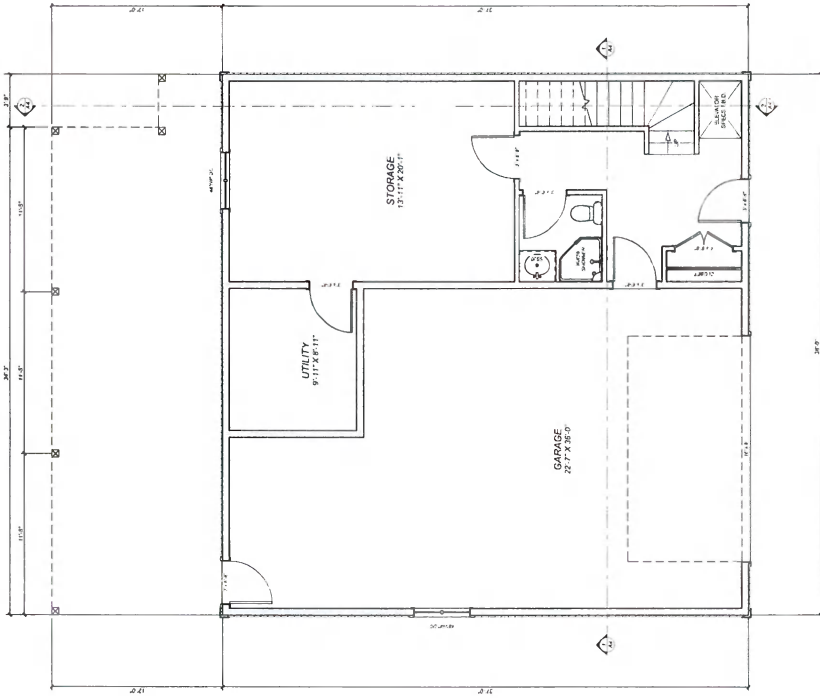


69 Erma Street West
Okotoks, Alberta T1S 1J8
Office: 587-757-0834

CAD File: 23-0387AB
Job No.: 23-0387

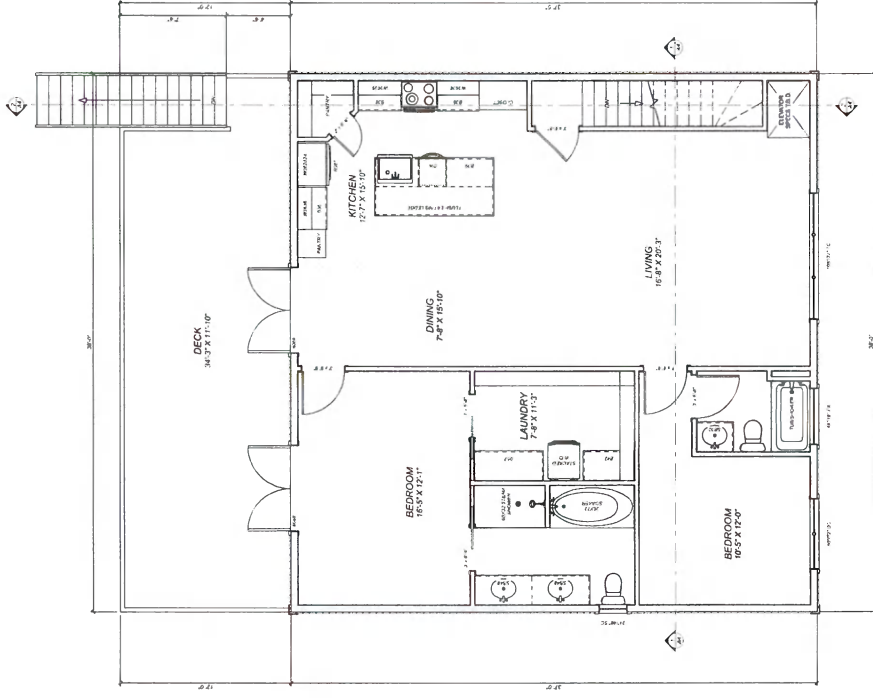


N.W. 1/4 SEC. 10-21-1-5



1 MAIN FLOOR PLAN

SCALE = 1/4" = 1'-0" FLOOR AREA - 740 SQ.FT. / STORAGE AND UTILITY - 415 SQ.FT. / GARAGE - 750 SQ.FT.



2 SECOND FLOOR PLAN

SCALE = 1/4" = 1'-0" FLOOR AREA - 1406 SQ.FT. / DECK - 428 SQ.FT.

CONSULTANT:
 for your residential and commercial design needs
 402-434-7322
 perry@plparchitects.ca



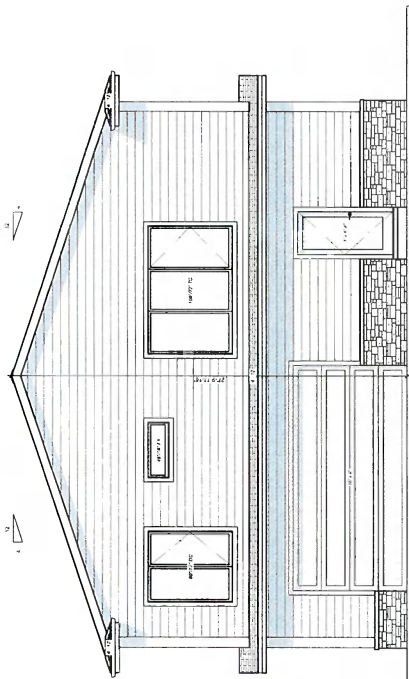
CLIENT:

PROJECT ADDRESS:

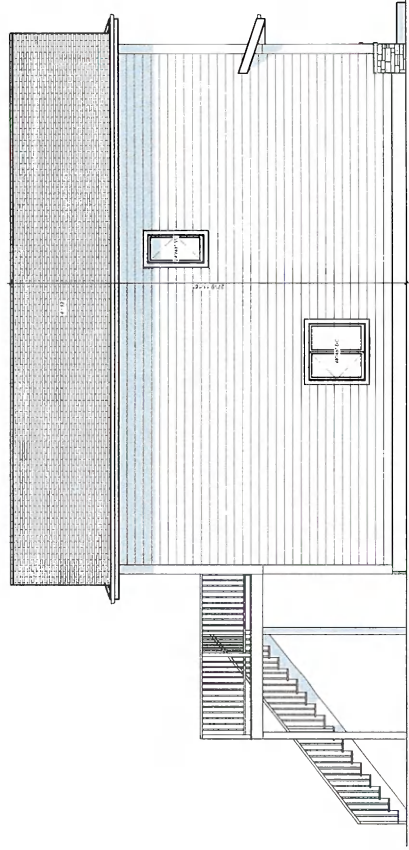
SHEET:

FLOOR PLANS

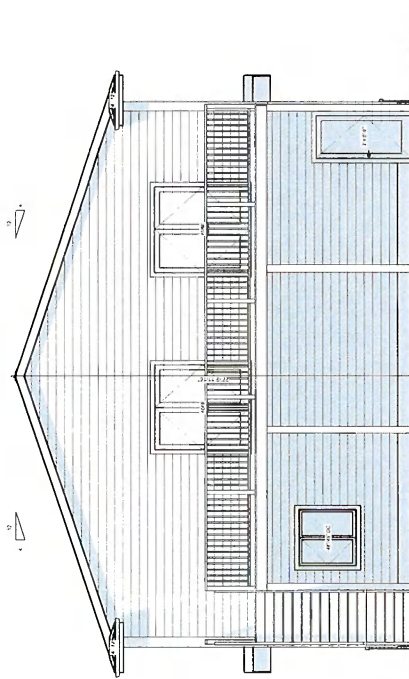
DRAWN BY: IAN	FILE: PLP 2023-033	SHEET: A2
SCALE: AS NOTED	DATE: 6/26/2023	



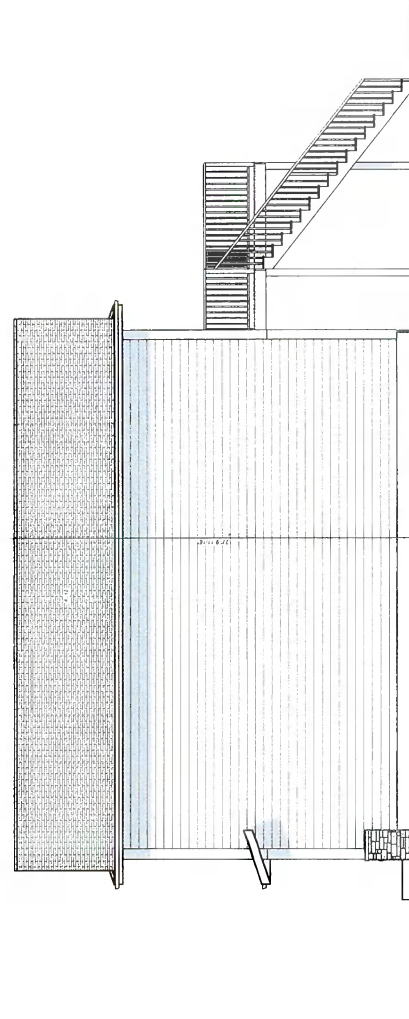
1 FRONT ELEVATION
A3 SCALE = 3/16" = 1'-0"



2 LEFT ELEVATION
A3 SCALE = 3/16" = 1'-0"



3 REAR ELEVATION
A3 SCALE = 3/16" = 1'-0"



4 RIGHT ELEVATION
A3 SCALE = 3/16" = 1'-0"

CONSULTANT:
to your residential and
commercial design needs
403-454-7922
perry@plpdesign.com



CLIENT:

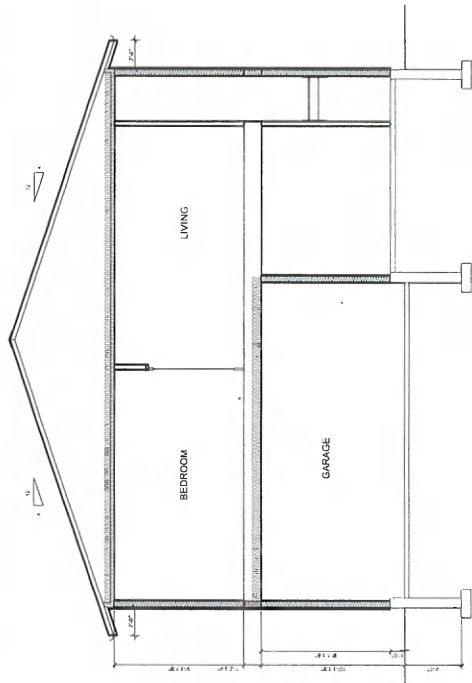
PROJECT ADDRESS:

SHEET:
ELEVATIONS

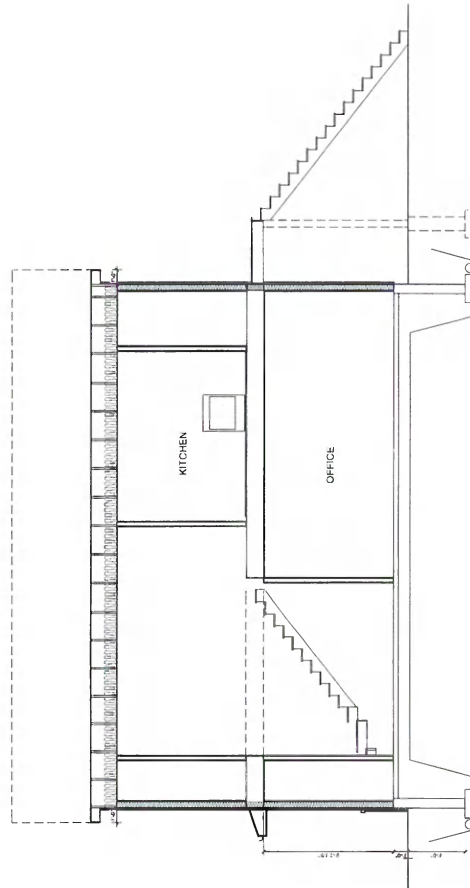
DRAWN BY:
IAN
SCALE:
AS NOTED

FILE:
PLP 2023-033
DATE:
6/26/2023


SHEET:
A3



1 CROSS SECTION 1
SCALE = 1/4" = 1'-0"



2 CROSS SECTION 2
SCALE = 1/4" = 1'-0"

CONSULTANT:		CLIENT:	PROJECT ADDRESS:	SHEET:	DRAWN BY:	FILE:	SHEET:
					IAN	PLP 2023-033	A4
					SCALE:	DATE:	
					AS NOTED	6/26/2023	

Hi Neighbours,

This is Tyler and Cassie from the Grey House [REDACTED]. We want to say hello and tell you about an upcoming project. We are looking to add a carriage house on the north side of our property for my (Cassie's) parents to live in. Our property is about 35 square feet short of 2 acres meaning we have to apply to the County for a project variance.

We want to do our due diligence and talk to everyone in our cul de sac first so nothing comes as a surprise when you see the notice posted. We are using Frontier Homes, the same builder as for home. The carriage house will be in a complimentary style to our current house and less than 1400 square feet of living space for the snowbirds. If approval is received this project is planned to start in July and be wrapped up late fall.

As proof that we've talked to all our neighbors we would like to present this letter signed and dated with our application to the County.

If we weren't able to chat with you in person and you have no concerns about our project it would be most helpful if you were able to sign and date this letter by your address to expedite our approval. Feel free to drop it off at our house or call/text Cassie [REDACTED] to pick it up. Please if you have any questions or concerns, reach out to us as well.

Bev Maye

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

COREY DECKER

JAIME DECKER

[REDACTED]

All the best!

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[REDACTED] Jennifer Kuntz [REDACTED]