

The Subdivision and Development Appeal Board for Foothills County met at Foothills County Administration Building and via electronic means (Zoom video conferencing platform) at 1:00 p.m. on November 9, 2023. Present were Chairman G. Beacom; Board members A. Alger, T. Mills, R. Taylor, R. Percifield and Subdivision and Development Appeal Board Clerk G. Stanley.

G. Beacom moved that the Minutes of the October 5, 2023 Subdivision and Development Appeal Board Hearing be adopted as circulated.

**CARRIED**

R. Percifield moved that the approval of the October 24, 2023 minutes be postponed until the next Subdivision and Development Appeal Board meeting.

**CARRIED**

**SCHMAUTZ – SE 27-20-29 W4M – APPROVAL OF DEVELOPMENT PERMIT 23D 169  
– ONE SEA CAN PERSONAL STORAGE FOR PERSONAL USE**

The hearing was opened at 1:17 p.m. In attendance were the Appellants/Applicants/Landowners T. and N. Schmautz, the Development Authority for Foothills County, B. Smith, and the Subdivision and Development Appeal Board Clerk G. Stanley.

Also in attendance was Member of the Gallery C. Wouterse.

The appeal was received from the Appellants T and N Schmautz on October 13, 2023, against the refusal of Development Permit 23D 169 on Plan 1210671, Block 3, Lot 3; Ptn. SE 27-20-29 W4M.

The hearing was closed at 1:37 p.m.

And upon having read the materials provided, and upon having heard the representations from the Appellants/Applicants/Landowners, Member of the Gallery and the Development Authority for Foothills County with respect to the appeal filed by the Appellants in accordance with Section 685 of the Municipal Government Act against the refusal of Development Permit 22D 169 for One Sea-Can for Personal Use on Plan 1210671, Block 3, Lot 3; Ptn. SE 27-20-29 W4M (The "Property").

The Subdivision and Development Appeal Board for Foothills County (the "Board") has decided to:

ALLOW the appeal and OVERTURN the Development Authority's decision to refuse Development Permit 23D 169 for One Sea-Can for Personal Use on Plan 1210671, Block 3, Lot 3; Ptn. SE 27-20-29 W4M

The application is thereby APPROVED, subject to the following REVISED conditions:

**APPROVAL DESCRIPTION:**

This approval allows for the existing Sea-Can to remain on the subject parcel for the purpose of storage during construction of an addition to the single family dwelling, as identified on the submitted site plan and within the accepted Development Permit application.

**PRE-RELEASE CONDITIONS:**

*Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before **December 15, 2023** will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).*

1. The Applicants/Landowners shall submit a compliance deposit in the amount of \$2,500 to ensure compliance with the conditions of approval. This deposit will be refunded at such time that all Sea-Cans have been removed from the subject property in their entirety.

**CONDITIONS OF APPROVAL:**

*The following requirements must be completed within twelve (12) months from the date the Development Permit is signed and issued **Failure to complete the conditions of approval will see the Development Permit be deemed null and void and subject to enforcement.***

1. The Applicant shall maintain the development in accordance with all conditions and plans that have been acknowledged by the Subdivision and Development Appeal Board Order D19/2023. Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals and permits;
2. The Sea-Can shall be used exclusively for personal storage and/or for the storage of construction related-materials solely for the construction of the approved addition to the single family dwelling on the subject property, and shall not be rented out at any time, nor is any Sea-Can permitted for the storage of any business-related materials. Any such additional use(s) will require approval under appropriate independent municipal application(s). Modifications to or attachments/additions to the container are not permitted;
3. Should the Sea-Can be removed from the subject property for any reason, the respective Sea-Can would not be permitted to return to the subject property without first receiving an updated Development Permit approval;
4. The Sea-Can shall be removed from the subject property in its entirety upon completion of the addition to the single family dwelling, no later than November 30, 2024.
5. No portion of the Sea-Can shall be used as a living residence at any time; this includes any overnight accommodations;

6. It is the landowner's responsibility to provide notification to the Development Authority upon completion of the development, as approved herein.

### **ADVISORY REQUIREMENTS:**

*The following requirements are provided by Foothills County to inform the Applicant(s) and landowner(s) of their necessity. It is the responsibility and liability of the Applicant(s) and landowner(s) to ensure adherence with these requirements for the life of the development.*

1. Development shall comply with the applicable Building and Fire Codes at all times. The Applicants are required to obtain any necessary building, safety code permits and inspections applicable to use, including but not limited to anchoring and the placement on a gravel base;
2. Natural drainage of the property must be maintained. Alteration to natural drainage may proceed only under the authorization of an approved Development Permit for Lot Grading;
3. All structures shall be located as to adhere to Municipal setback requirements from the boundaries of the legally titled property. No variance for yard setbacks has been considered under this approval;
4. The Applicants indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of the subject property;
5. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
6. The Applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit.

### **NOTES:**

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed, and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
4. The conditions must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Subdivision and Development Appeal Board Order D19/2023.

**CHIASSON – NW 20-20-28 W4M – REFUSAL OF DEVELOPMENT PERMIT 23D 174  
– FOR A RELAXATION OF SETBACKS FOR PROPOSED STRUCTURE**

The hearing was opened at 2:00 p.m. In attendance was the Appellants/Applicants/Landowners C. and P. Chiasson, the Development Authority for Foothills County, B. Smith, and the Subdivision and Development Appeal Board Clerk G. Stanley.

The appeal was received from the Appellants P. and C. Chiasson on October 13, 2023, against the refusal of Development Permit 23D 174 on Plan 9812959, Lot 1; Ptn. NW 20-20-28 W4M.

The hearing was closed at 2:18 p.m.

And upon having read the materials provided, and upon having heard the representations from the Applicant/Landowner, Appellant, Member of the Gallery and the Development Authority for Foothills County with respect to the appeal filed by the Appellants in accordance with Section 685 of the Municipal Government Act against the automatic refusal of Development Permit 23D 174 for Relaxation of Setbacks for Proposed Structure on Plan 9812959, Lot 1; Ptn. NW 20-20-28 W4M (The "Property").

The Subdivision and Development Appeal Board for Foothills County (the "Board") has decided to:

ALLOW the appeal and OVERTURN the Development Authority's decision to refuse Development Permit 23D 174 for Relaxation of Setbacks for Proposed Structure on Plan 9812959, Lot 1; Ptn. NW 20-20-28 W4M

The application is thereby APPROVED, subject to the following conditions:

**APPROVAL DESCRIPTION:**

The proposed 576 +/- sq. ft. Accessory Building is permitted to be located no closer than 5.0 metres (16.48 ft.) from the north and 5.0 metres (16.48 ft.) from the east property line.

All other future and existing development must meet County setback requirements.

**PRE-RELEASE CONDITIONS:**

*Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before **December 15, 2023** will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).*

2. The applicant/landowner shall submit a compliance deposit in the amount of \$2,500 to ensure compliance with the conditions of approval. This deposit will be refunded at such time that the accessory building known as the shelter has been removed from the subject property in its entirety.

### **CONDITIONS OF APPROVAL:**

*Please note that the following requirements must be completed within the twenty-four (24) month completion period for this Development Permit unless a time extension is issued under agreement between the Development Authority and the Applicant(s). **Failure to complete the conditions of approval will see the Development Permit be deemed null and void.***

1. The applicant shall maintain the development in accordance with all conditions of the Subdivision and Development Appeal Board Order D20/2023 and plans that have been acknowledged by the Subdivision and Development Appeal board to be appropriate. Any revisions and/or additions to the use of this land shall not proceed except under benefit of appropriate approvals and permits;
2. The applicant shall obtain all necessary building and safety code permits and inspections, to the discretion of the Safety Codes Officer;
3. The existing 'Shelter' (3.95 x 10.18) to the northeast of the property is to be removed in its entirety by **November 30, 2024**. It is the landowners' responsibility to ensure appropriate and proper disposal of any materials resulting from the demolition of any structures on the subject property;
4. It is the landowners' responsibility to provide written notification to the Development Authority upon completion of the development, as approved herein.

### **ADVISORY REQUIREMENTS:**

*The following requirements are provided by the Subdivision and Development Appeal Board to inform the applicant(s) and landowner(s) of their necessity. It is the responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements for the life of the development.*

1. The proposed accessory building shall not exceed a maximum height, from grade to peak, of 10.67 meters (35 ft.) which is the maximum permitted within the Country Residential Land Use district;
2. This decision is in addition to previous relaxation of setbacks to the existing Barn that was granted to remain 13.27m to the west property line obtained through development permit 00D 132.
3. All structures on this parcel are to be used for personal use only and shall not be used in association with any business, or for the purpose of storing business related materials, without first obtaining all necessary approvals from the Foothills County;
4. No portion of the dwelling or accessory building shall be used as a secondary dwelling unit without first obtaining all necessary approvals from the Foothills County;

5. Development on the property shall at all times comply with the requirements of the Building, Plumbing, Electrical, Safety, and Fire Codes;
6. Natural drainage of the property must be maintained. Alteration to natural drainage may only proceed only under the authorization of an approved Development Permit for Lot Grading permit, or as acknowledged within the required Site Drainage and/or Lot Grading Plan;
7. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
8. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect the use of the land;
9. The applicants shall be responsible for payment of any professional costs, including legal fees, that may be incurred by the County with respect to the implementation of this permit.

**NOTES:**

5. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
6. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
7. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
8. The conditions must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Subdivision and Development Appeal Board Order D20/2023.

**HITCHNER – SE 11-18-02 W5M – APPROVAL OF DEVELOPMENT PERMIT 23D 183  
– FOR DWELLING, TEMPORARY – GRANDCHILD OF LANDOWNERS**

The hearing was opened at 3:04 p.m. In attendance was the Appellant D. Jones, Applicant S. Giles, Landowners E. Keith and L. Hitchner, the Development Authority for Foothills County, B. Smith, and the Subdivision and Development Appeal Board Clerk G. Stanley.

Also in attendance were members of the Gallery D. Oakes, N. Machida and T. Giles.

The appeal was received from the Appellants D. Jones on October 18, 2023, against the approval of Development Permit 23D 183 on Plan 9911986, Block 1; Ptn. SE 11-18-02 W5M.

The hearing was closed at 3:56 p.m.

And upon having read the materials provided, and upon having heard the representations from the Appellants, the Applicant, the Gallery and the Development Authority for Foothills

County with respect to the appeal filed by the Appellants in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 23D 183 for a Dwelling, Temporary - Grandchild of Landowner on Plan 9911986, Block 1; Ptn. SE 11-18-02 W5M (The "Property").

The Subdivision and Development Appeal Board for Foothills County (the "Board") has decided to:

DENY the appeal and UPHOLD the Development Authority's decision to approve Development Permit 23D 183 for a Dwelling, Temporary - Grandchild of Landowner on Plan 9911986, Block 1; Ptn. SE 11-18-02 W5M.

The application is thereby APPROVED, subject to the following REVISED conditions:

**ADJOURN**

G. Beacom moved that the meeting be adjourned at 3:57 p.m.

**CARRIED**

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CHAIRMAN

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SECRETARY