

Subdivision and Development Appeal Board  
Foothills County (MD of Foothills)  
Box 5605  
High River, Alberta  
T1V 1M7

Dear Brenda Bartnik,

We are including a written submission for our noted concerns with respect to the development permit application for a Type 3 business for Plan 1013059, Block 2, Lot 5 Ptn. NE-22-21-29 W4M. We would like to note the following points:

- We have lived at our current residence which borders the said property on the entire south border and on the entire west border since May 2017.
- We have continued to add and invest in our property landscaping features that are in line with country residential zoning and ensure our grass is cut, snow is removed, and in general we have pride of ownership at our property.
- When we moved into our property, we were under the impression that a Type 1 home based business was in operation. Over the last 6 years, we have watched the business grow from 2 workers to at least 6. The equipment, storage, trailers, garbage, burning, noise, and level of activity has increased each year.
- Our real estate agent has discussed the equipment, trailers, and general condition of Mr. Niemans property on two (2) separate occasions on our behalf noting our concerns with the state of affairs and level of activity exceeding the current approvals. Nothing was done to address our concerns.
- Mr. Niemans does not cut his grass or remove the snow at his property regularly and often the ditch area and front area of his property can be seen with grass in excess of 12" tall creating further concerns as a fire hazard. Especially since Mr. Niemans has a burn barrel and it is used regularly. Compounded is the addition of industrial equipment and trailers with the mess.
- Mr. Niemans has numerous uncompleted projects at his property already and we are concerned that further construction will continue for a number of years to complete and be cleaned up and landscaped property (and with adequate ongoing landscaping maintenance afterwards).

We were not provided any information from the county that there were plans for expanding operations until now. This is concerning in that Mr. Niemans operated and is operating his home based business far beyond the current approvals and has been for some time. Given this fact, we are extremely concerned about Mr. Niemans seeking a Type 3 approval and then operating again far beyond the approval. He has been doing this and we see no reason why he would stop.

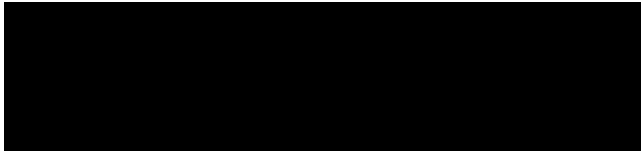
- The parking fence in the provided appeal package looks like a prison wall and will look awful in our neighborhood. It will not bring any aesthetic value to the area or the adjacent properties and will look out of place for the neighborhood. It will stand out and not fit in with country residential properties all around.

- The size of the parking area and the new shop will not be able to enclose all of Mr. Niemans equipment and tools. He has a dump truck, vacuum truck, many trailers (excess of 6), three (3) or four (4) excavators, a skid steer, two (2) cube vans, and three (3) crew trucks parked at his current property. In addition, his employees (up to at least 6 currently) also park on the property, and he has personal vehicles. In total, there is at least 12 vehicles onsite some mornings when he is working on multiple jobs. The solution thus far has been to utilize the property to Mr. Niemans' north (his in-laws property) as overflow storage. In the approval, Mr. Niemans has noted that equipment (specifically the large excavator) will be stored offsite; however, the offsite location is in fact his neighbors (in-law) which also borders my property to the north. We have not seen any approvals for industrial equipment storage at this property and would expect approval to be in place for this and a strict adherence. Currently there are no rules being followed and the extra land is being used for a Type 1 business that is operating as a Type 3 or Type 4 business. Some mornings crews are dispatching from Mr. Niemans main property and his in-laws property simultaneously with activity at both locations.
- Using a quick calculation of a vehicle needing 20' x 10' for storage (200 sq. ft) the 12 vehicles (2400 sq. ft) alone will take up the 2400 sq. ft shop and all the trailers, cube vans, excavators, and skid steers would need at least an additional 4000 sq. ft of additional space just for storage. The site was not designed for this based on the drawings and sketches provided. This is a huge bust in the approval review.
- We have no reprieve from Mr. Niemans operations as we are bordering his activities on the south and west side of his property and his overflow operations on the north of our property. The overflow or equipment and visual and noise disturbance is essentially coming at us from 3 sides.
- Mr. Niemans did have a seacan and it was removed this week, so an approval for a seacan or a deposit for one is actually humorous. He has had a seacan onsite for at least three (3) years prior to this week
- Dust control remains a concern with the numbers of vehicles coming and going. Mr. Niemans has personally stopped our children on our property and asked them to slow down on their ATV's to not make dust at his property. In response to his concerns, we installed recycled asphalt for the entire length of our driveway after this concern was brought forward. The cost to add this was \$7500 for example.
- On December 1, 2023, Mr. Niemans reached out to and we were invited to his place to discuss his expansion plans with him. This happened after Mr. Niemans was aware that we were appealing his approval, and our position is that if Mr. Niemans cared about his neighbors input, he would:
  - Show pride of ownership in his property like all the other neighbors
  - Have reached out five (5) years ago when he started exceeding his Type 1 approval
  - Have reached out when our real estate agent expressed concerns to him on our behalf
  - Have reached out prior to submitting an application for a Type 3 approval
- Mr. Niemans reaching out now is not showing a genuine interest in our input at this point. Him and his wife and family were at our house just 6 months ago and based on the application information provided, he was planning this for a while and had ample opportunity to discuss with us in advance of seeking an application / approval for further input.
- Clanking of excavator tracks, back-up alarms, garbage, burning of waste, uncut grass and unsightly landscaping, unfinished projects, stockpiled materials, and storage overflow are ongoing concerns.

The industrial operations that Mr. Niemans has with his business is better suited for an industrial park, and not a country residential neighborhood. We do not support any further expansion beyond a Type 1 approval for any properties in our neighborhood.

Sincerely,

Ashley Leroux and Christie Leroux



Enclosure























































