



Notice of Appeal

Subdivision and Development Appeal Board (SDAB)
Foothills County www.foothillscountyab.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) John T & MARYC BEARNES			
Mailing Address [Redacted]		Province [Redacted]	Postal Code [Redacted]
Main Phone # [Redacted]		Alternate Phone # [Redacted]	
I consent to receive documents by email: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address: [Redacted]			
AGENT INFORMATION & CERTIFICATION (complete section if applicable)			
Name of Organization:			
Contact Name:			
Mailing Address		Province	Postal Code
Main Phone #			
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
I (We) _____ hereby authorize _____ to act on my (our) behalf on matters pertaining to this appeal.			
Signature of Appellant(s)		Date	Signature of Appellant(s)
			Date
SITE INFORMATION			
Municipal Address (house and street number):			
Legal Land Description: Plan Block Lot Quarter-Section Township Range Meridian NE 35-19-01 W5M Plan B1046 Block 2			
I AM APPEALING (check only one)			
Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Development Permit # 24D 125		Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Subdivision Application #	
Date of Decision: (Y/M/D) _____		Date of Decision: (Y/M/D) _____	
Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order Enforcement Order #			
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.			
Please see attached sheets (2)			

TURN OVER AND COMPLETE REVERSE SIDE



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]

August 22/2024
Date

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 type="checkbox"/> Master Card <input type="checkbox"/> American Express
Name as it appears on Card:	Card Number:
Date of Expiry:	CVC:
Authorization: I authorize Foothills County to charge \$ _____ to my credit card.	
Signature of Card Holder:	Date:

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

Development Permit Application File # 24D 125

Reason for Appeal:

Our main reason for appealing your decision to approve a Private Kennel Permit is a **Safety** concern with 7 (+) dogs residing on a 10 acre parcel of land.

- these dogs are aggressive
- they bark & run in a pack along the fences, with vehicle traffic, joggers, walkers, children, strollers, other dogs, etc.
- the dogs dig holes & have escaped their enclosures & run free in the neighborhood.
- they have chased horses, chased deer out of our backyard, killed chickens
- they dig holes on our property

We are animal lovers & have owned many pets over the years. In the last 7 years, we have

- planted trees along our fence lines
- repaired fences
- worked to strategically place our landscaping for privacy
- installed privacy screens
- installed an interior fence (11 feet inside our property line) along 560 feet of horse pasture to relinquish our job of repairing fences, (what Jens called his fence), due to aggressive horses breaking rails & wire.

We have tried to get along with our neighbours since we moved into our home in 2017. At that time they had 2 dogs next door. When the neighbours to the south moved away they left their old dog, Cooper, with Amanda. The numbers grew with an unexpected litter of pups. At that time, Amanda was able to sell a few of the pups but not all of them. Somewhere in that timespan, a new pup, Dixie, joined the household. The next year, another unexpected litter of pups which she assured us they were not keeping. (We believe a responsible pet owner would have had their dogs spayed & neutered after the first unexpected litter). As the number of animals grew, we approached Amanda & Jens many times but that has not deterred them from increasing their #'s. They have been approached regarding noise, odour, animals running loose in the neighbourhood, fences being knocked down, holes being dug, etc., etc.

We know:

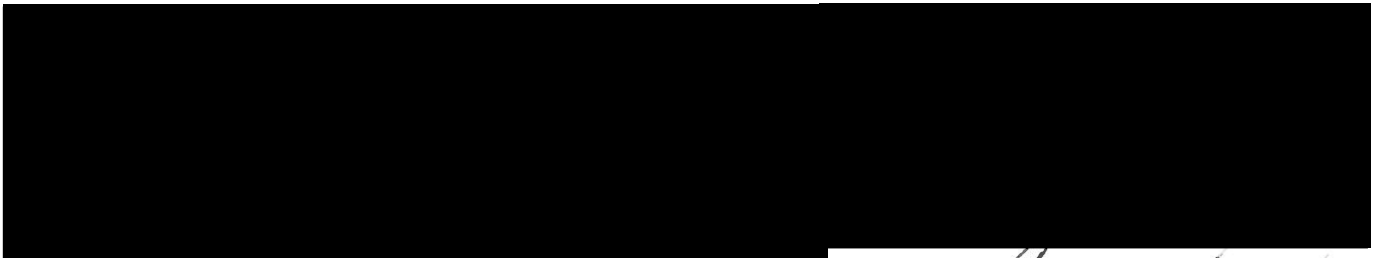
- We have called Amanda & Jens many times regarding noise, late at night, dogs running loose, continual barking & howling during the day, when they leave the property .
- The animals (dogs & horses) are repeatedly out of their enclosures/pastures. T
- The number of animals on this property continues to increase.
- The herd of horses is non compliant with the By Law & when one horse died this year, he was quickly replaced with at least 2 or 3 more horses. (We have reported this to the By Law/Compliance Officer & he has visited the property)

Questions:

- This Approval allows for the existing dogs to remain on the property until the numbers decrease by attrition. There are a couple of older dogs but the majority of these dogs are young & therefore will probably reside here for at least 10+ years. Because this Permit is approved for a period of 24 months, will we (the neighbours) have to live with this & then go through this process again in 2 years?
- (Land Use Bylaw Regs & Applications) All dog facilities, buildings & including exterior exercise areas shall be at the rear of the principal building.... unless otherwise approved by the Approving Authority. Their back yard is adjacent to our Bedroom, thus the noise complaints late at night. The other pen (Exercise Area) is in the front yard, directly in front of the house, & and their fenceline runs along 24th Street West. Even if they have presented you with a Site Plan, this arrangement interferes with the entire neighborhood. If this is "permitted" it is unduly interfering with the use & enjoyment of adjacent parcels. (& the rest of the neighbourhood) Is this not #6c) of the provisions that apply to Private Kennel?
- "The issuance of a development permit by the County does not relieve the landowner(s) of the responsibility of complying" with Conditions & Bylaws. We did not want his situation to become one of conflict, (Jens confronted John in a very public place and emphatically expressed his displeasure with the process & his disappointment in us personally), but after many different attempts failed to influence the behavior, we saw no other option than to follow The Complaint process. That being said we do not want to be put in the position of policing our neighbours. If this permit is approved, who enforces the the conditions and Bylaws?

We believe:

The best predictor of future behavior is past behavior. Although Amanda & Jens have tried to deal with some of these issues, this appears to be unsustainable and an overwhelming situation. By granting this Private Kennel Permit to our neighbour Amanda you have condoned the behavior & disrespect for the Land Use Bylaw that is in place to ensure the proper use of the land, the proper care of the animals on that land, & neighbourhood safety.



August 22 / 2024