



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: July 31, 2024

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

APPLICATION FILE NUMBER: 24D 104

LANDOWNER(S): MIGUEL & KATHERINE PAROBEC

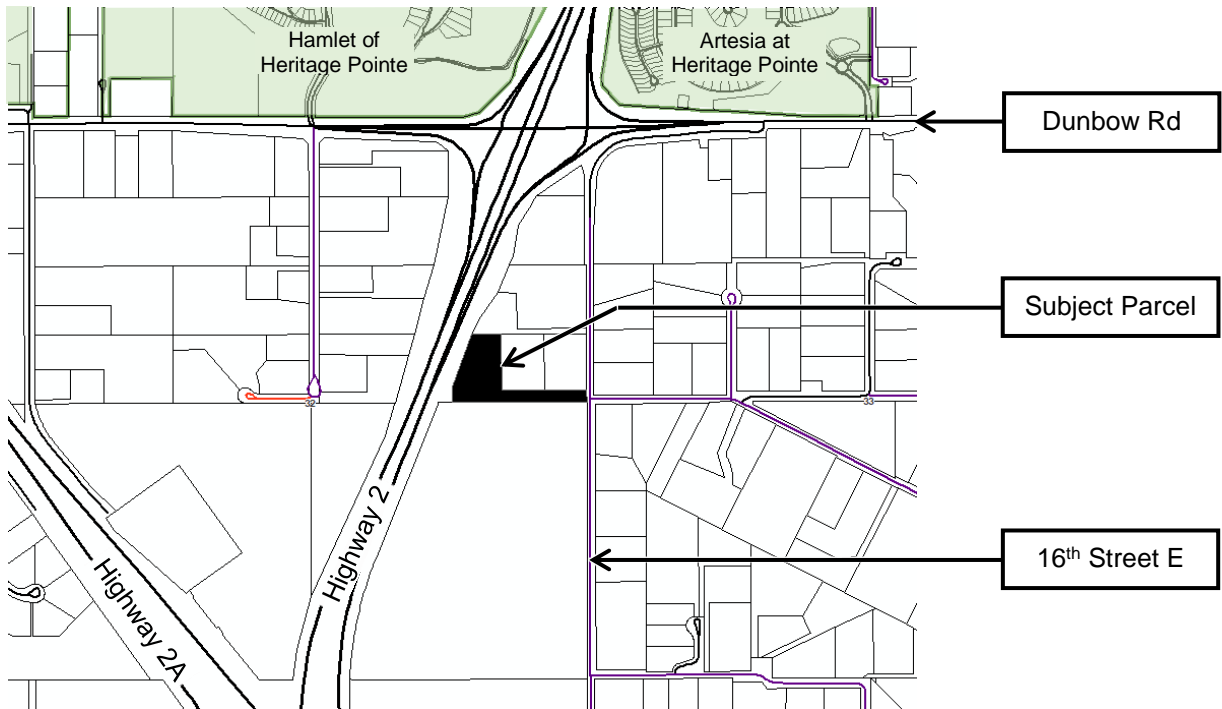
PROPOSAL DESCRIPTION: FASCIA SIGN & SOLID FENCE WITH RELAXATION OF SETBACKS

LEGAL DESCRIPTION: PTN. NE 32-21-29 W4M; PLAN 9710197, LOT 1

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 8.21 acre Country Residential District parcel is located on 16th Street East, adjacent to Highway 2 and approximately 0.5 miles south of Dunbow Road East.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for the installation of one fascia sign, mounted on the existing accessory building, in support of the existing Home Based Business, Type III on the subject property. The sign is proposed to be approximately 96 sq. ft. (8 ft. x 12 ft.), with an internally lit cabinet, polycarbonate face and acrylic letters, mounted to the exterior wall of the building.

In addition, the application is requesting consideration to allow for the installation of a solid steel fence having a maximum height of 8 ft. surrounding a +/- 9,020 sq. ft. (838 sq. m) outdoor storage area. The application identifies that the fenced area will be used for personal and business related storage to keep the property tidy while providing security.

Section 9.14 provides that a solid fence (greater than 2 m (6.5 ft.) in height), creating a visual barrier shall be located no closer than 40 m (131.23 ft.) from the ultimate right of way of any Highway. In addition, a boarder capping unfinished edges on top, and bottom of solid metal fencing shall be installed.

The fence is proposed to be located +/- 15 m from the south property line, in accordance with the setbacks as outlined in the current Land Use Bylaw and located +/- 15 m from the west property line, when it is required to be setback a minimum of 40 m from this property line. As such, the following relaxation of setbacks is requested:

- The proposed solid metal fence is located 15.0 m (49.2 ft.) from the west property line, at its nearest point, when it is required to be setback 40.0 m (131.2 ft.) from the ultimate right of way of the Highway. Therefore, the applicant is seeking a 25 m (82.0 ft.) or 62.5% relaxation of setbacks from the west property line.

The application is considered a Discretionary Use; 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 with respect to the installation of one fascia sign and solid fence with relaxation of setbacks, on the subject parcel being a portion of NE 32-21-29 W4M; Plan 9710197, Lot 1 has been considered by the Development Officer.

The Development Officer **REFUSED IN PART** Development Permit Application 24D 104 for the installation of a solid fence and relaxation of setbacks for the following reasons:

In consideration of Section 9.14.7 of the Land Use Bylaw and the information submitted with the application, the Development Authority is of the opinion that the development permit application does not meet the intent of the policy of the Land Use Bylaw or the Country Residential land use district.

Further, as noted within the previously approved development permit for the Home Based Business, Type III, no outdoor storage was considered and all business related materials were to be stored within the existing oversized accessory building, as such the application fails to illustrate the need for additional business related storage at this location.

Therefore, this is considered a discretionary refusal and should the applicants appeal, this request will be given further consideration by the Development Appeal Board.

The Development Officer **APPROVED IN PART** Development Permit Application 24D 104 to allow for the Facia Sign subject to the following:

APPROVAL DESCRIPTION:

This approval allows for the development and use of Ptn. NE 32-21-29 W4M; Plan 9710197, Lot 1 for:

- installation of one Fascia Sign, being 8 ft. x 12 ft. located on the west side of the existing building,

in accordance with the submitted and 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 **January 3, 2025**, 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 existing Tent Structure and 2 Sea-Cans, located on the subject property do not have the appropriate development permit approvals in place. As such, the applicants may: Remove the structures from the property or submit a complete development permit application for consideration. Proof of such is to be submitted to the Development Authority;

The applicants are advised that the total cumulative size of accessory buildings permitted on a parcel of this size shall not to exceed 3,500 sq. ft. (325.2 sq. m.) in area without a Development Permit.

CONDITIONS OF APPROVAL:

The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved 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 construct and maintain all signage in accordance with all conditions of approval and the dimensions and design as identified within the application for development permit. **If the applicant wishes to deviate from the terms of the Development Permit, the applicant shall notify the Development Authority, submit**

amended drawings and, if required by the Approving Authority, make application for a new Development Permit and submit the prescribed fee;

2. The applicant shall obtain a Roadside Development Permit from Alberta Transportation. The application can be submitted through the RPATH Portal at: <https://roadsideplanning.alberta.ca/> and may be subject to additional requirements;
3. The applicants shall obtain any necessary building and/or safety code permits and inspections applicable to the installation, including but not limited to anchoring;
4. The applicants shall provide written 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. This approval is in addition to and does not replace Development Permit 22D 145 with respect to the approved Home Based Business, Type III on the subject property.
2. The Sign shall be kept in a safe, clean and tidy condition and may be required to be renovated or removed if not properly maintained. Where a sign is not kept in a safe, clean state of repair, the Development Officer may, by written notice, require the person responsible for the sign or the owner of the property or both to remove the sign or alter or refurbish the sign within a certain specified time period;
3. Development shall comply with all applicable Building, Safety and Fire Codes at all times.
4. The applicant(s) agree to indemnify and hold harmless Foothills County from any and all third party claims, demands, or actions for which the applicant is legally responsible, including those arising out of negligence or willful acts by the applicant or the applicant's agent(s);
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 the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. Notification of this Development Permit Decision will be advertised in two issues of the Western Wheel and circulated to area landowners (according to County Records at this time) within the subject quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on our website, www.foothillscountyab.ca.
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. 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.
6. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.