



Notice of Appeal

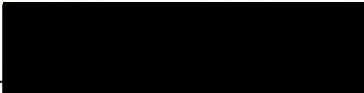
Subdivision and Development Appeal Board (SDAB)
Foothills County www.foothillscountyab.ca

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) <u>Garry & Joanne Warner</u>			
Mailing Address [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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
I (We) <u>Paul Brennand</u> hereby authorize <u>Garry & Joanne Warner</u> to act on my (our) behalf on matters pertaining to this appeal.			
[Redacted Signature] <u>Aug 6, 24</u>		[Redacted Signature] <u>Aug 6, 24</u>	
Signature of Appellant(s)		Date	
SITE INFORMATION			
Municipal Address (house and street number): <u>386106 16th Street West</u> [Redacted]			
Legal Land Description: Quarter-Section	Plan Township	Block Range	Lot Meridian
<u>NW 13</u>	<u>20</u>	<u>1</u>	<u>W5</u>
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>24 D 116</u> Date of Decision: (Y/M/D) <u>24/7/29</u>	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) _____	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.			
<u>Please see attached documentation</u>			

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.



Aug 6, 24

Signature of Appellant(s) OR

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:	<u>Paul Brennan</u> Card Number: 
Date of Expiry:	 CVC: 
Authorization: I authorize Foothills County to charge \$ <u>100.00</u> to my credit card.	
Signature of Card Holder:	 Date: <u>Aug 18 2024</u>

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

August 15, 2024

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

Dear Development Appeal Board:

Re: Development Permit Application 24D 116
Ptn: NW 13-20-01 5WM
Free Standing Sign

Please accept this letter to highlight the reasons for our appeal.

First, I'd like to briefly share a history relating to the sign we're appealing.

In early March 2024 the sign was constructed and placed in the furthest NW corner of 13-20-1W5. I own the quarter section and gave our son-in-law Paul Brennan approval for the sign placement

I was notified via email on March 28, 2024 by Mr. Salmon (compliance officer for the County) that the sign was not compliant and a County development permit would be required. Someone in the area issued a complaint as we understand.

Mr. Salmon informed us that we would need to get in touch with Alberta Transportation (AT) and obtain a development permit first. (Please see email attached from Mr. Salmon dated March 28, 2024).

After numerous conversations with AT since late March, they approved our sign provided that we move it 10 m east and 10 m south from the Warner fence line, which is roughly 47 m south of the Hwy 7 centreline and 17 m east of the County road, 16 st. Please see the attached approval letter dated August 8th, 2024 from Evan Neilson with AT.

Upon receiving AT approval, the development permit application 24D 116 for the County was completed and submitted as of June 5th, 2024.

On July, 29th, 2024 we received notice from Ms. Brittany Domenjoz (Development Officer for the County) that our application was refused because of the following:

“the sign is located 10m (32.8 ft) from the north property line when its required to be set back 40 m (131 ft) from the ultimate right of way of Highway 7 and 10m (132 ft) from the west property line, when it is required to be setback 48m (157 ft) from the center line of a municipal road allowance. The proposed sign falls outside the parameters as identified in 4.2 of the land use bylaw”

It is our understanding that since the “setbacks” do not meet County requirements, our application was refused.

From our perspective, with AT approving the placement of the sign, being 10m from the property line in both directions, we're respectfully asking for a relaxation from the County bylaws from 48 m to the 17 m from the County road 16 st.

If we were to move the sign 48 m east of the west County 16 st highway or 38m further east of its current location this will create an issue for haying around the sign. Where the sign is currently located, it's an easy 90 degree angle for cutting with my larger farm equipment.

Nevertheless, should the County require us to move the sign to be compliant without any relaxation of the bylaws, we will do so. It would however, be appreciated if the sign be left as is, or perhaps there is an acceptable County setback that is not 48 m versus its current location of 17 m east of west.

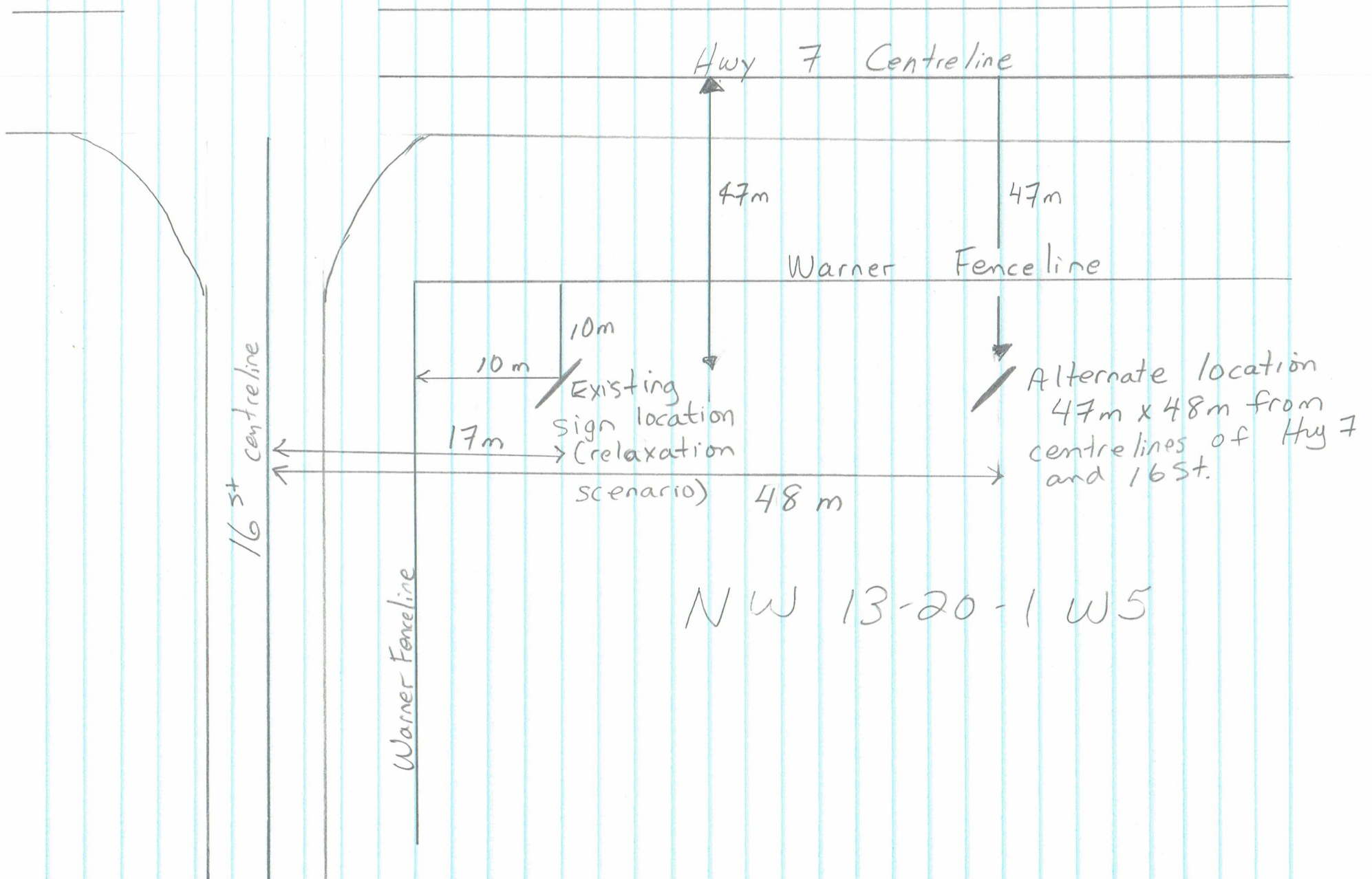
Again, given that AT is agreeable to the sign and its current placement, we would request that a sign relaxation to county bylaws is a reasonable scenario. However, we would also move the sign the full 48 m east of west, or anywhere in between the 17 m and the 48m.

This sign is important to us and we're willing to work with the County to come to a resolution.

Thank you for your time and consideration.

Respectfully,

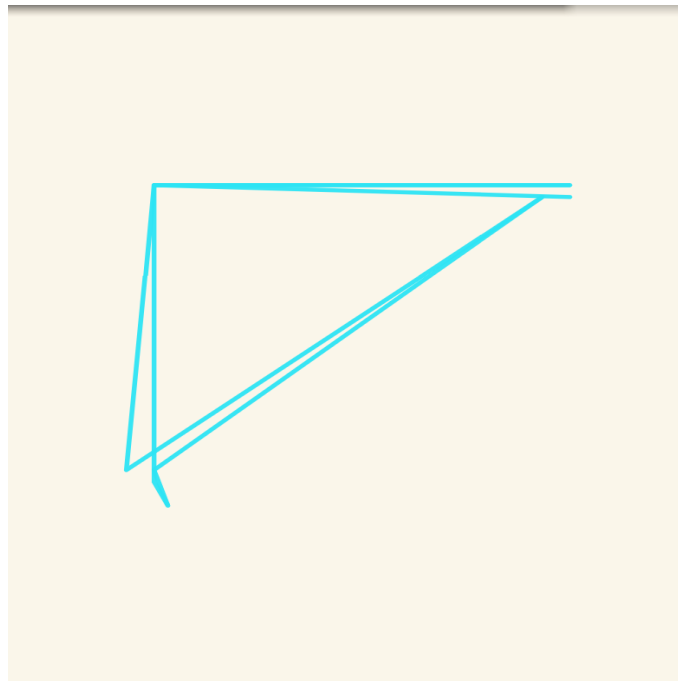
Garry and Joanne Warner



NW 13-20-1 W5

Transportation and Economic Corridors Permit
Request for Sign Permit - Outside of Highway Right of Way In
Proximity of a Provincial Highway - **Approved**

Permit Number:	2024-0041778	Highway(s):	7
Issued to (Permittee):	Paul Brennand Okotoks AB [REDACTED]		
Legal Land Location:	QS-NW SEC-13 TWP-020 RGE-01 MER-5	Municipality:	Foothills County, Okotoks
Approved By:	Evan Neilsen	Issuing Office:	Southern Region / Calgary
Issued Date:	2024-04-19 09:24:28	Expiry Date:	2026-03-28
Description of Development:	Realtor Sign		



Transportation and Economic Corridors Permit No. **2024-0041778** is issued to the above named Permittee under authority of Section 14 of the *Highways Development and Protection Act* (the Act) authorizing the works listed herein, and a further application is required for any changes or additions.

The approved site plan/drawing forms a part of this permit and any changes to the approved site plan/drawing will require an amendment or a new permit application.

This permit is subject to the following terms and conditions, which should be carefully reviewed:

1. This permit is subject to the provisions of Section 11-19 inclusive of the Highways Development and Protection Act (Chapter H-8.5 2004), amendments thereto, and Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto.
2. This permit is issued subject to any other municipal, provincial, or federal approvals that may be required. Issuance of a permit by Transportation and Economic Corridors does not guarantee the permittee will be able to obtain other required approvals and does not excuse violation of any regulation, bylaw, or Act that may affect the proposed development.
3. The Permittee consents to a person designated by Transportation and Economic Corridors to enter upon land during construction and again upon completion of construction for the purpose of inspection to ensure the terms and conditions of this permit are met.
4. All works authorized by this permit shall be constructed, altered, maintained or operated at the sole expense of the Permittee. The permittee expressly waives any right to claim damages or compensation (including injurious affection) for development, signs or other encumbrances that are placed in an area required for future widening of the highway right of way for highway improvement purposes
5. In consideration of the permit issued in respect to this physical means of access, the Permittee shall indemnify and hold harmless Transportation and Economic Corridors, its employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly from anything done or omitted to be done in the construction, maintenance, alteration or operation of the works authorized.
6. The Permittee shall conform to the approved site plan/drawings. Failure to conform to the approved site plan/drawings without an approved amendment may result in enforcement measures as laid out in the Act.
7. Minimum letter height to be used is 15 cm (6 inches)
8. Use of intermittent, flashing or rotating light or moving or rotating parts is not permitted.
9. Pursuant to Section 11(2) of the Highways Development and Protection Regulation, a permit for a sign is not required for a business identification sign for this development provided that the sign is located no closer to the highway than the proposed building or is no more than 30m from either side of the building. If a proposed sign does not meet these requirements the landowner shall submit a separate sign application.
10. Transportation and Economic Corridors is under no obligation to reissue a permit if the sign is not installed before expiry of this permit.
11. The sign shall be maintained in proper repair by the permittee. If, in the opinion of Transportation and Economic Corridors the sign is not kept in an acceptable condition, or fails to meet or address any of Transportation and Economic Corridors conditions or concerns, it must be repaired, revised or removed by the

owner within 7 days of receiving written notice of the deficiency, otherwise the sign will be removed by Transportation and Economic Corridors at the permittee's expense.

12. The placement of signs within the highway right of way shall follow the department's recommended practice, <https://open.alberta.ca/publications/placement-of-signs>.

13. The proposed sign is to be set back at least 10.0 m from the highway property line as shown on the attached plan.

14. This permit approves only the sign contained herein, for any changes or additions a separate application is required

Failure to comply with the terms and conditions of this permit is an offense pursuant to Section 35 of the Highways Development and Protection Regulation (the Regulation), and may result in enforcement or penalties as described in Section 55 of the Act and Section 35-36 of the Regulation.

This permit is valid for a period of **two years from the date of issuance**. If the works authorized by this permit have not commenced within this timeframe, the permit expires and the Permittee must submit a request for an extension, or reapply for a new permit, if they wish to proceed. Transportation and Economic Corridors is under no obligation to reissue a permit if the development is not commenced before expiry of this permit.

Please contact Transportation and Economic Corridors through [RPATH0041778](#) if you have any questions, updates, additions, or require additional information.



Issued by **Evan Neilsen, Development and Planning Tech**, on **2024-04-19 09:24:28** on behalf of the Minister of Transportation and Economic Corridors pursuant to *Ministerial Order 52/20 – Department of Transportation and Economic Corridors Delegation of Authority*

----- Forwarded message -----

From: Elliott Salmon <Elliott.Salmon@foothillscountyab.ca>

Date: Thu, Mar 28, 2024, 8:38 AM

Subject: Foothills County permits for signage

To: [REDACTED]

Good Morning Garry,

Thanks for talking with me this morning. It seems we had a bad connection so I'll explain the process again here for clarity. The CIR Realty sign on your property was brought to our attention through a complaint, and we require that an approved Development Permit is in place for signs like the one on your property. The sign is within 300 meters of a provincial highway, so we require that you first obtain a roadside development permit from Alberta Transportation. The Alberta Transportation Calgary District Office number is 403-382-4052 and they should be able to help you with that.

The attached document is an information sheet with the regulations for signs in the County, please read through it before applying for a Development Permit. The application fee is \$825 and processing can take some time. If you have any questions about the application process or would like to submit an application, you can visit our office, call our main line at 403-652-2341, or you can email planning@foothillscountyAB.ca.

Thank you for working with us on this matter and please contact me if you have any questions.

Elliott Salmon
Development Compliance Officer
Community and Emergency Services
Foothills County
Phone: 403-603-6206