

The Subdivision and Development Appeal Board for Foothills County met at Foothills County Administration Building at 1:00 p.m. on August 29, 2024. Present were Chairman G. Beacom, Board members RD McHugh, B. Dayment, D. MacDonald, G. Wilkinson, and Subdivision and Development Appeal Board Clerk G. Stanley.

G. Beacom moved that the minutes of the July 25, 2024 Subdivision and Development Appeal Board Hearing be approved as presented.

**CARRIED**

**BERNARD – NW 31-22-03 W5M – APPROVAL OF DEVELOPMENT PERMIT 24D 057 FOR A HOME BASED BUSINESS, TYPE III & RELAXATION OF SETBACKS**

The hearing was opened at 1:07 p.m. In attendance were Appellants P. Enerson and R. Kehler, Agent A. Merani, Applicant/Landowner E. Bernard, Member of the Gallery J. Carlson, the Development Authority for Foothills County B. Domenjuz, and Subdivision and Development Appeal Board Clerk G. Stanley.

An appeal was received from Appellants P. Enerson and R. Kehler on August 1, 2024, against the approval of Development Permit 24D 057 for a Home-Based Business, Type III & Relaxation of Setbacks on Plan 9811227, Lot 2; Ptn. NW 31-22-03 W5M.

The hearing was closed at 2:32 p.m.

Having been satisfied that notice of this hearing was provided in accordance with the Municipal Government Act, R.S.A. 2000, Chapter M-26;

And upon having read the materials provided, and upon having heard the representations from the Appellants, the Appellants Agent, the Applicant/Landowner 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 24D 057 for a Home Based Business, Type III & Relaxation of Setbacks to Existing Structures on Plan 9811227, Lot 2; Ptn. NW 31-22-03 W5M (The "Property").

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

ALLOW the appeal IN PART, OVERTURNING the Development Authority's decision to approve Development Permit 24D 057 for a Home Based Business, Type III while UPHOLDING the approval for a Relaxation of Setbacks to Existing Structures on Plan 9811227, Lot 2; Ptn. NW 31-22-03 W5M.

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

**APPROVAL DESCRIPTION:**

This approval allows for the use of NW 31-22-03 W5M; Plan 9811227, Lot 2 for:

- a. The existing Yurt (+/-805 sq.ft.), Horse Shelter (North) and Horse Shelter (South) are permitted to remain, as illustrated on the site plan and in accordance with the submitted and accepted Development Permit application.

**ADVISORY CONDITIONS:**

*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;
2. No portion of any accessory building shall be used for the purpose of any business-related uses, nor shall any portion be used as a secondary dwelling unit without first obtaining the necessary approvals from Foothills County;
3. The subject buildings may not be enlarged, added to, rebuilt or structurally altered except under approval of an independent application for a Development Permit;
4. All other existing and future development must meet the County setback requirement;
5. Natural drainage of the property must be maintained. Alteration to the natural drainage may proceed only under the authorization of an approved Development Permit for Lot Grading;
6. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
7. 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;
8. 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 cannot 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 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 Subdivision and Development Appeal Board Order D12/2024.

**ADJOURN**

G. Beacom adjourned the meeting at 2:23 p.m.

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CHAIRMAN

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CLERK

Unadopted