

**RECEIVED****APR 01 2025**

309 Macleod Trail, Box 5605, High River, AB T1V 1M7 • Tel: 403-652-2341 Fax: 403-652-7880

**Notice of Appeal****Subdivision and Development Appeal Board (SDAB)**  
**Foothills County** [www.foothillscountyab.ca](http://www.foothillscountyab.ca)

<b>APPELLANT INFORMATION</b> (e.g. Landowner or Affected Party)			
Name of Appellant(s) <b>Jaime &amp; Judy Stasiuk</b>			
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]			
<b>AGENT INFORMATION &amp; CERTIFICATION</b> (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
<b>SITE INFORMATION</b>			
Municipal Address (house and street number): <b>42062 - 274 Ave W</b>			
Legal Land Description: Quarter-Section	Plan Township	Block Range	Lot Meridian
<b>SW27</b>	<b>21</b>	<b>01</b>	<b>W5M</b>

<b>I AM APPEALING</b> (check only one)		
<b>Development Authority Decision</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Development Permit # _____ Date of Decision: (Y/M/D) <u>2025/03/12</u>	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Subdivision Application # _____ Date of Decision: (Y/M/D) _____	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order Enforcement Order # _____ Date of Decision: (Y/M/D) _____
<b>REASON FOR APPEAL</b> (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.		
We are appealing the decision made regarding development application file number 256D013, which was approved as a discretionary use on March 12, 2025. I believe the decision to approve this application for a Home-Based Business, Type III is not in alignment with the requirements and intent of the applicable regulations for residential and agricultural zoning in this area.		
For the following reasons - Incompatibility with Residential Country Living - Fire Hazards and Lack of Compliance with Fire Codes - Lack of Environmental Controls - Non-Compliance with Zoning and Business Licensing - Potential Contamination Risks - Inappropriateness of the Business Type for a Home-Based Business - Additional traffic - Property Aesthetics and Value Please find additional documents attached		

**TURN OVER AND COMPLETE REVERSE SIDE**

Please find additional documents attached

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]

April 1, 2025

Signature of Appellant(s) Only  
Person Authorized to Act on Behalf of Appellant(s)

Date

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**

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**Jaime & Judy Stasiuk**

**March 25, 2025**

**SDAB Development Authority**

SDAB Clerk, Foothills County  
Box 5605, 309 Macleod Tr. S.,

High River, AB T1V 1M7

**Re: Appeal of Development Application – File Number: 256D013**

**Landowners: Matthew & Elizabeth Gamble**

**Proposal Description: Home-Based Business, Type III**

**Legal Description: SW 27-21-1 W5M; PTN. Plan 0312338, Block 6, Lot 3**

**Street Address: 42062 – 274 Ave W**

Dear Development Appeal Board,

I am writing to formally appeal the decision made regarding development application file number **256D013**, which was **approved** as a discretionary use on **March 12, 2025**. I believe the decision to approve this application for a **Home-Based Business, Type III** is not in alignment with the requirements and intent of the applicable regulations for residential and agricultural zoning in this area. The business, **Benco Welding**, as proposed, presents significant concerns and risks to the residential nature of this community. Below are the grounds for my appeal:

### **1. Incompatibility with Residential Country Living**

The size and scope of this business are not suited for a country residential setting. A **Home-Based Business** is intended to be small, non-intrusive, and compatible with residential areas. Benco Welding, however, is a commercial and industrial operation that we feel does not meet the permit requirements for a home-based business. This business, as stated on their web site involves heavy industrial processes, including welding, fabrication, including the use of compressed and explosive gases, which significantly alter the neighborhood's character.



*Pictures from Benco Welding web site*



## 2. Fire Hazards and Lack of Compliance with Fire Codes

The nature of Benco Welding's operations, involving **compressed and explosive gases** and **heavy-duty welding applications**, poses substantial fire hazards. There is no mention in the application of compliance with the **National Fire Code, Alberta Edition 2023**, particularly **NFPA 51-2023** and **NFPA 51B-2024**, which are essential to ensure safety for such a business. Additionally, there is no indication that the **Fire Inspector** has reviewed or approved this business's operations, which is a crucial requirement for any operation involving hazardous materials or processes.

## 3. Lack of Environmental Controls

The proposed business does not address concerns related to **smoke, gas, and fume control** from the **industrial equipment and processes**. These factors can significantly impact the health and safety of neighboring residents and the surrounding environment. There is no mention of these critical control measures in the application.

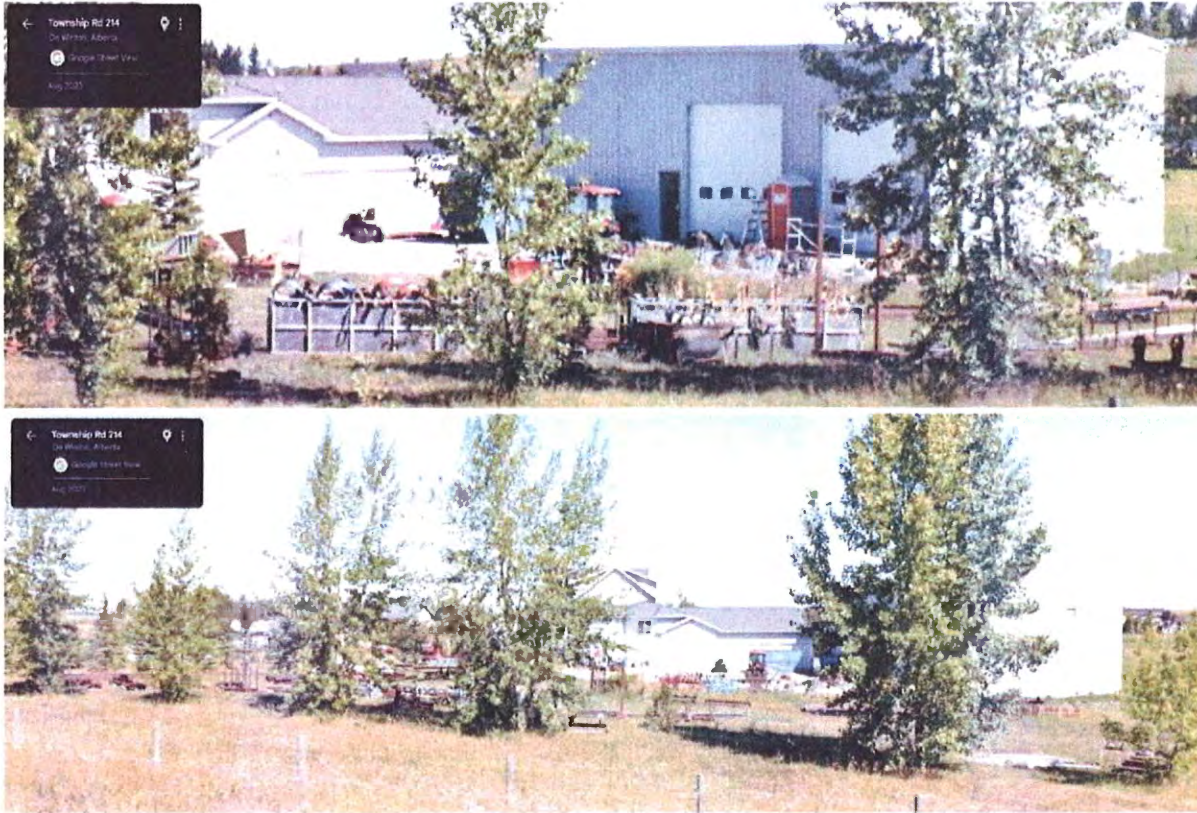
## 4. Non-Compliance with Zoning and Business Licensing

It is concerning that **Benco Welding** has a history of operating **without** proper licenses and permits. They have also **erected an outbuilding (shop)** under the guise of personal use, which is now being used for business purposes. Furthermore, the business has **brought in three-phase power** for commercial and industrial applications. After talking with Elloitt Salmon, he was unable to ascertain if the appropriate approval or permits were obtained. This type of operation is not appropriate for a rural residential area.

*Site pictures from google*







### *3 Phase Power for Welding from google AI*

#### AI Overview

Three-phase welding machines, commonly used in industrial settings, excel in heavy-duty applications like thick metal fabrication, shipbuilding, and structural welding, due to their high-power output and stable, consistent current flow, which results in high-quality welds.

Here is a more detailed explanation:

#### **Applications:**

**Heavy Industrial Settings:** Three-phase welders are well-suited for demanding tasks in industries like automotive, shipbuilding, and construction, where high-volume welding is required.

**Thick Metal Fabrication:** They can handle the high-power demands of welding thick metal plates and structures.

**Structural Welding:** Three-phase welders are used for creating strong, reliable welds in structural applications.

#### **Advantages:**

**Higher Efficiency:** Three-phase power supplies provide a more stable arc and better heat control, leading to consistent and high-quality welds.

**Stronger Welds:** The stable current flow results in welds with greater strength and durability.

**Higher Power Output:** Three-phase machines can handle larger welding tasks and thicker materials compared to single-phase welders.

**Power Consumption:**

Three-phase welders consume more power than single-phase welders because they require three separate power lines to operate.

Power consumption depends on factors like the machine's power rating, the duration and frequency of use, the type and thickness of the metal, and the machine's efficiency.

**Skill Level:**

While three-phase welders offer superior results, they often require a higher skill level to operate effectively.

## 5. Potential Contamination Risks

There is a significant risk of **contaminated materials** being brought to the site from commercial and industrial operations, which poses environmental hazards. This is not suitable for a location meant for residential, agricultural, or low-impact home-based businesses.

## 6. Inappropriateness of the Business Type for a Home-Based Business

As per the guidelines for **Home-Based Business**, the purpose is to accommodate small, **low-risk**, and **low-intensity** developments that are compatible with adjacent residential properties. Benco Welding, based on its listed and historical operations and current commercial and industrial projects, clearly exceeds the intended scope of a home-based business. Their ongoing projects include large-scale, industrial-level work such as (from their web site):

- **Bonney Brook Water Treatment Plant (Calgary)** (Primary, Secondary, Low-Pressure Gas Holding)
- **Shaganappi Pump Station**
- **Okotoks Reservoir**
- **Red Deer Wastewater Treatment Plant**
- **Palliser Pump Station**
- **SWBRT Storm Lift**

Their business requires substantial industrial resources, equipment, and processes, none of which are suitable for residential properties.

Their web site indicates *"With a new location, we have the space and equipment to fabricate multiple, large volume production projects. We also take care of shipping your product to its final destination"* which again does not fit the criteria for a home-based business.

## 7. Additional traffic

The additional traffic with this type of business degrades our neighbourhood with safety concerns for families in the area. The additional noise will also degrade the neighbourhood with large truck air brakes, backup beepers, clanging and banging that comes with unloading and loading associated with a commercial industrial business.

## 8. Property Aesthetics and Value

We believe property values could decrease due to factors like unsightly property conditions; properties with a type III business generally cause undesirable conditions for family living. It is our understanding residential zoning exists to protect property values. This business violates that purpose.

- Being in a less desirable location or near undesirable elements like commercial/industrial businesses will negatively impact property values.
- Excessive noise or light pollution will make the neighbourhood less desirable and reduce property values.
- Opens the door for similar Type III business which will negatively impact property values and further degrade the neighbourhood.
- Disruptive businesses with poorly maintained properties will also decrease the value of property and the neighbourhood.
- Studies show industrial intrusions in residential areas reduce values by **5–15%** (*Journal of Real Estate Research*).

## Conclusion

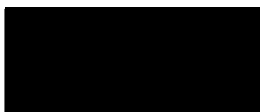
Given the significant safety, environmental, and zoning concerns raised above, I respectfully request that the decision to approve this **Home-Based Business** application be reconsidered. The proposed business, **Benco Welding**, does not fit the criteria for a home-based business and instead operates as a commercial and industrial enterprise that should be in an appropriate industrial zone, rather than within a residential county setting.



I would appreciate an opportunity to discuss this matter further and to present additional information, evidence, or testimony in a hearing if necessary. Please contact me at your earliest convenience to confirm this appeal's status and any required next steps.

Thank you for your attention to this important matter. I look forward to your prompt review and response.

Sincerely,



Judy Stasiuk

Jaime Stasiuk

