



Notice of Development Appeal

Subdivision and Development Appeal Board (SDAB)

Foothills County

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

www.mdfoothills.com

RECEIVED

APR 02 2025

SEND NOTICE OF APPEAL AND APPEAL FEE VIA:

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

Fax: 403-652-7880 or **Email (scanned pdf):** appeals@FoothillsCountyAB.ca

For more information contact SDAB Clerk at: 403 652 2341 or appeals@FoothillsCountyAB.ca

Office Use Only
Appeal Received:

A notice for development appeal under section 888 of the Municipal Government Act should contain the following information and must be filed with the SDAB within 21 days after the date of the decision of the development authority or deemed refusal by the development authority in accordance with section 884.

THE APPEAL FEE MUST ACCOMPANY THE NOTICE OF DEVELOPMENT APPEAL FORM.

| DEVELOPMENT APPEAL | Fee |
|---|-------|
| Appeal by Landowner or Affected Party (fee to be refunded if appellant appears before SDAB) | \$100 |
| Appeal on application that is not within the Development Officer's discretion | \$575 |
| Appeal on Stop Order | \$575 |

SITE INFORMATION FOR PROPERTY UNDER APPEAL

Development Permit Number: 25D 013

Legal Land Description:

Plan 0312338 Lot 3 Block 6 AND/OR Quarter Section 5w27 Township 21 Range 01 Meridian W5

APPELLANT INFORMATION (e.g. Landowner or Affected Party)

Name of Appellant(s): Frank and Debbie Muller

Mailing Address:

Town/City/Village:

Province:

Postal Code:

Home/Cell Phone:

Business Phone:

n/a

I consent to receive documents by email: ☒ Yes ☐ No

Email Address:

Legal Land Description:

Plan Lot Block AND/OR Quarter Section 5w27 Township 21 Range 01 Meridian W5

AGENT INFORMATION AND CERTIFICATION (complete section only if applicable)

Name of Organization:

Contact Name:

I consent to receive documents by email: ☐ Yes ☐ No Email Address:

Phone (daytime):

Mailing Address:

Town/City/Village:

Province:

Postal Code:

I (We) _____ hereby authorize _____
to act on my (our) behalf on matters pertaining to this application for subdivision.

Signature of Appellant(s)

Date

Signature of Appellant(s)

Date

DECISION OF DEVELOPMENT AUTHORITY

Date of Decision (Y/M/D) ____/____/____

Copy of Development Authority Decision Attached ☐ YES ☐ NO

TURN OVER AND COMPLETE REVERSE SIDE ►

REASONS FOR APPEAL (attach separate page(s) if required)

All development 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.

☒ **APPROVAL** – Why do you disagree with the Approval or what Conditions of Approval do you disagree with and why?
OR

☐ **REFUSAL** – Why do you think your development application should be approved?
OR

☐ **STOP ORDER**

see attached Appeal Letter.

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]

2025-03-31

Date

Person Authorized to Act on Behalf of Appellant(s)

Upon receipt of your Notice of Appeal and payment of the required appeal fee, an SDAB hearing date will be set within 30 days. You and the landowners who are adjacent to the property under appeal will receive by ordinary mail, a Written Notice of the date and time of the appeal Hearing.

****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 fax or email, you must complete this section.

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Notice of Development Appeal Letter

Re: Development Permit Application File # 25D 013

March 31, 2025

To Foothills County Subdivision and Development Appeal Board,

We moved to the quiet enclave of 48 St W in October 2019 attracted to its charm, pastoral atmosphere, rolling croplands, foothills and mountain views and well-maintained acreage properties and homes. After moving in we quickly came to appreciate all the elements that initially attracted us in the first place – in addition to our new neighbors and the community within a community that 48 St (and the greater SW27 T21 R01 W5M area) embodies and that we are now part of.

Over about the past two years, the Applicant/Owner named in the Approval Notice constructed a commercial grade shed, had a green industrial power box installed and started to fill up the space around the shed with what appeared to be scrap metal, shelving and assorted metal fabrication/construction materials. It was unsightly, messy and looked like a junk yard - not at all consistent with our neighborhood. Today it doesn't look much different – as evidenced by photos taken on March 31, 2025 (see Appendix 1).

We remain shocked and disappointed at receiving the Approval Notice for a Type III Home Based Business (“HBB”) for an industrial welding operation located in our community.

As a result, we respectfully appeal the HBB Approval based on the following factors:

1. We disagree that the Approved HBB is a *“small, non-intrusive, low-risk, low intensity development”*.

An industrial welding operation, accompanied by outside employees, large commercial welding vehicles, increased traffic, unsightly work yard and/or large privacy fences and potential for increased noise and exhausted fumes, that occupies the roadside visible portion of a 4.5 acre lot in a quiet, residential neighborhood does not meet the definition described above.

2. We do not agree that the Approved HBB *“...can be integrated into and is compatible with adjacent non-commercial or non-industrial properties.”*

The adjacent non-commercial or non-industrial properties are comprised of 4 to 5 acre residential lots with homes and various outbuildings owned by a wide demographic from young professionals to growing families to seniors. Generally, sight and sound lines are wide open with few trees or bush in and amongst the properties.

Given these conditions, it's difficult to envision an industrial welding operation integrating in any way with adjacent properties or our neighborhood. Furthermore, an industrial welding operation is clearly and definitively not compatible with adjacent properties and/or our greater community.

3. We strongly believe that the Approved HBB demonstrates *"Uses that exceed the business classifications and/or standards of a HBB may be considered a commercial or industrial use and should be appropriately located in a land use district where the type of use is provided for"*.

Benco Welding Ltd.'s current website shares that:

- Benco's current address is appropriately located in an industrial park in SE Calgary (corner of 61 Ave and 84 St).
- Benco has spent *"years of working on multiple industrial, commercial, and institutional projects across Alberta..."*.

An industrial welding operation and its associated uses, moving from its current address, defined by the scope of its business above and as described in the HBB Approval, exceed the definition and spirit of Foothills HBB program. The Approved HBB doesn't belong and is not acceptable or appropriate in our residential neighborhood let alone any jurisdiction under similar circumstances.

For this reason, the Approved HBB should be more appropriately located in a land use district designated as commercial or industrial park – typically far away from residential districts. Accordingly, zoning of these districts enable similarly minded industrial or commercial businesses to operate adjacent to each other.

Alternatively, the Approved HBB would be more suitably located on a larger property with fewer sight and sound lines, and larger distances between neighboring properties.

What is more difficult to assess go forward is the Approved HBB impact on:

- a) setting an extremely unfavorable precedent for similar HBB applications in our neighborhood - and the entirety of Foothills County?
- b) property values?
- c) visual optics in a residential acreage community?
- d) traffic and safety?
- e) noise from commercial vehicles and business operations?
- f) exhaust fumes and/or odours from commercial vehicles and business operations?

In conclusion and for the reasons and rationale listed above, we respectfully appeal Foothills' Approval of the subject HBB.

Sincerely,



Frank & Debbie Muller

Appendices

1. While taking reference photos of the subject HBB property on March 31, 2025 from 274 Ave, the Applicant/Owner (presumably) came out of his house to videotape me in my vehicle and asked from his front porch "can I help you?". I said no, that I was just taking pictures. He went on to declare that "I'm going to phone the RCMP as you're illegally parked on a road". I said no, I was pulled off on the shoulder and had my turn signal light on. I then drove away.

I have not included the photos in this appeal letter but am happy to share them at any time – in advance of, or during the Hearing. The passive/aggressive behavior of the Owner/Applicant (presumably) in this instance concerns me as he clearly understands that his HBB is under public notice and scrutiny. What kind of behavior or actions can we expect in the event his HBB is ultimately approved and neighbors ask questions or lodge complaints.

2. Note: references (*in italics*) above taken directly from Foothills HBB Land Use Bylaw Regulations & Applications – opening statement (updated June 2021):

*"The purpose of a HBB is to accommodate **small, non-intrusive, low-risk, low intensity developments** to support business activities **that can be integrated into and are compatible with adjacent non-commercial or non-industrial properties**. Uses that exceed the business classifications and/or standards of a HBB **may be considered a commercial or industrial use and should be appropriately located in a land use district where the type of use is provided for**". (NB: use of bold font highlight is at the author's discretion)*