

**RECEIVED****APR 02 2025****Subdivision and Development Appeal Board (SDAB)**
Foothills Countywww.foothillscountyab.ca

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

Notice of Appeal

APPELLANT INFORMATION (e.g. Landowner or Affected Party)			
Name of Appellant(s) <u>Mark Muller & Christian Hodgson</u>			
Mailing Address <u>[REDACTED]</u>		Province	Postal Code
Main Phone # <u>[REDACTED]</u>		Alternate Phone #	
I consent to receive documents by email: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address: <u>[REDACTED]</u>			
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 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
SITE INFORMATION			
Municipal Address (house and street number): <u>42062 274 Ave W Foothills AB</u>			
Legal Land Description:	Plan <u>0312378</u>	Block <u>6</u>	Lot <u>3</u>
Quarter-Section	Township <u>021</u>	Range <u>01</u>	Meridian <u>W5</u>
<u>SW 27</u>			
I AM APPEALING (check only one)			
Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Development Permit # <u>25D 013</u> Date of Decision: (Y/M/D) <u>2025/04/02</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 pdf for our statement of concerns and reference material.</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.



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

April 2, 2025

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. ****

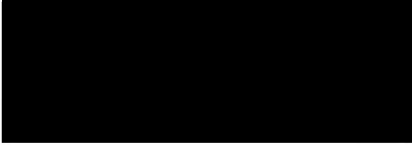
PAYMENT OF APPEAL FEE

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**



Mark Muller & Christina Hodgson



April 2, 2025

SDAB Development Authority & SDAB Clerk Foothills County
Box 5605, 309 Macleod Trail S
High River, AB T1V 1M7

Re: Appeal of Development File Number: 25D 013
Legal Description: SW 27-021-01W5: Plan 0312338, Block 6, Lot 3
Proposal Description: Home Based Business Type III
Owners: Matt & Elizabeth Gamble

Hi Stacey & Foothills Dev Authority/Development Officers,

I am formally appealing the Development Permit Application File #: 25D 013 which pertains to the Home-Based Business, Type III (Industrial Welding Business) that is located on the adjacent property. I am disappointed with the lack of consultation regarding a Type III business that is industrial in nature and not suitable for our residential and agricultural valued neighbourhood based on my following concerns outlined below and further reference material attached:

1. **Non-Compliance with Zoning and Land Use Intent**

- The **Country Residential Land Use District** prioritizes residential and agricultural uses. The introduction of a Type II Welding Industrial-type business undermines this intent.
- A welding operation, even on a small scale, is inherently industrial and incompatible with a peaceful, rural residential environment.
- The zoning regulations for a Home-Based Business Type III, specify that discretionary approval is subject to potential impacts on neighboring properties—this proposal risks negatively affecting adjacent landowners.

2. **Noise, Air, and Environmental Concerns**

- **Noise Pollution:** Welding, metal cutting, grinding, and fabrication generate loud, disruptive noise. This would be detrimental to the quiet, rural character of the area, impacting residents and animals.
- **Air Quality and Hazardous Materials:** Welding and metalworking can release harmful fumes, particulates, and gases, posing risks to the health of residents, pets, and livestock.
- **Environmental Hazards:** The presence of welding gas canisters and industrial materials increases the risk of fire, explosions, and hazardous waste runoff. Just prior to buying our property back in 2019, there was a similar shop that exploded just North of our property with a smoke plume visible from downtown Calgary.

3. Traffic and Road Safety Issues

- Increased traffic from employees, deliveries, and customer visits (more frequent than implied).
- Potential damage to rural roads not designed for regular commercial traffic or heavy loads.
- Safety concerns for residents, pets, and children/school bus routes due to increased vehicle movement.

4. Visual Impact and Property Value Concerns

- The property is already cluttered with scrap metal, suggesting non-compliance with land use regulations. Allowing this business would legitimize an eyesore, reducing aesthetic appeal and property values.
- Outdoor storage of materials, vehicles, and equipment could create a long-term visual nuisance.
 1. If there is only two non-resident employees, why is there going to be 4 welding trucks on the property?
 2. The fenced area fails to adequately conceal the clutter associated with the business, leaving an unsightly and disruptive visual impact on neighboring properties.
 3. If all employee's are on the property at the same time, there would be +6 work vehicles; two of the employees vehicles, the 4 welding trucks, trailer, fork lift in addition to the property owners personal vehicles already stored on the property. This does not include additional personal/vehicles and traffic/noise on the property as a result of up to 6 business visits per day, deliveries 1-5 times per week and customer business visits.
- We have invested a significant amount of time and money into our property on the premise of country residential and agricultural living with a very visually appealing house, shop, fencing and yearly maintenance that matches our pride of ownership that respects our neighbors aesthetics and visual sightlines.
- We specifically chose this beautiful community on 48 St to be outside the city, and more importantly to avoid industrial/commercial businesses that should be located in a properly zoned industrial areas such as Aldersyde Industrial or SE Calgary Industrial zoned areas.
- I have reached out to realtors/property experts in the area to discuss how this will affect our property values, which directly affects assessment value and property taxes. If this permit is approved as is Type 3, how will this affect our property value and property taxes with the perception of an industrial style business operating in a currently quiet agricultural land residential acreage community.

5. Business Already Operating Without Approval

- There should have been prior consultation as per country bylaws before their plans were approved to build a shop with the full intent for their industrial welding business conversion and relocation of their existing Benco Welding business located in SE Calgary's Industrial Zoned area.
- We received no prior notifications to my knowledge about the shop construction, which was likely originally classified for personal usage. The construction style, three phase

power installation, and abundance of metal storage on site during/after construction strongly suggests the intent was to operate as a commercial industrial business rather than following proper protocols and transparency for the buildings intended usage from the beginning.

- Evidence that welding and fabrication activities have been consistently occurring without a permit demonstrates disregard for regulations. See google earth images below on the vast amount of metal/fabrication material already on site stored all over their property.
- Was a permit required to tie in 3 phase power? I don't think anyone around here with residential/agriculture properties has 3 phase power tied in given non-industrial required power usage.
- This business undermines the integrity of zoning rules and creates unclear precedents if allowed on the need to follow proper rules on business permits.

6. Inconsistent with Community Character and Lifestyle

- The proposal undermines the community's rural residential and acreage agricultural character.
- Approving this business would encourage other similar industrial operations, leading to a gradual shift from residential/agricultural use to industrial usage.

7. Lack of Adequate Safeguards and Monitoring

- The proposal lacks details on noise mitigation, containment of hazardous materials, and environmental safeguards.
- Insufficient monitoring and enforcement could result in long-term non-compliance.

8. Cumulative Impact on Community and Watershed

- Approval could set a precedent for future industrial businesses, leading to gradual urbanization and degradation of rural lifestyle.
- We both have protected natural drainage watershed running through our properties; which flows aggressively through the spring thaw months and intermittently during heavy rainstorms.
- This water directly flows past their industrial welding shop, and through my property and adjacent properties following the natural drainage pathway. I am concerned about welding debris and contamination spreading into the watershed drainage right away given direct proximity to his shop whether its metal debris shavings, welding chemical etc. I have horses that drink from this water as it flows through and pools naturally, in addition to various wild life that take harbor here.

We respectfully think this application for Home-Based Type III business should be denied based on the current conditions currently granted.

Thank you in advance for your consideration.

Sincerely,

Mark Muller & Christina Hodgson

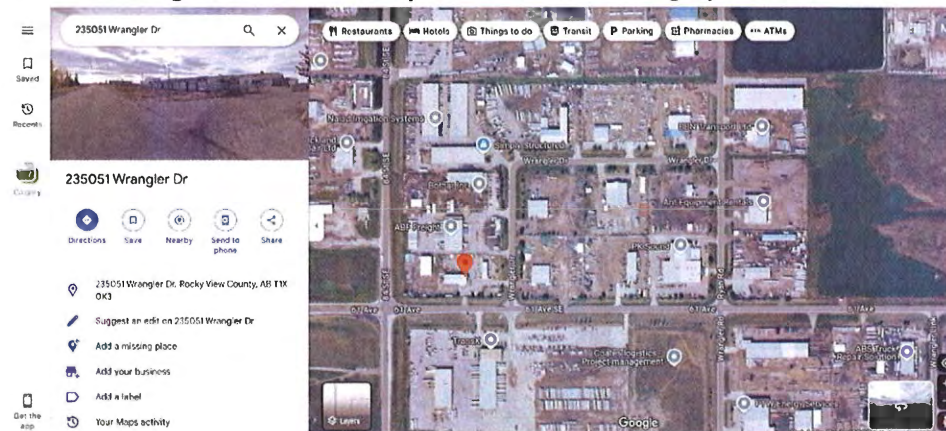
Reference Material below:

Benco Welding is an established business located within SE Calgary industrial park. We would like more information on Benco Welding and their plans because it appears they are moving the entire fully established welding business located within the properly zoned industrial park in SE Calgary into our residential/agricultural based neighborhood.

<https://www.bencoweldingltd.com/>

235051 Wrangler Dr SE
Rocky View County AB
T1X 0K3

Benco Welding address is currently located within SE Calgary industrial zone.



Benco Welding projects involve large scale semi-truck loads in addition to large load trailers:

<https://www.bencoweldingltd.com/project-gallery>



Google street views of Matts property.

[https://www.google.com/maps/@50.8049727,-](https://www.google.com/maps/@50.8049727,-114.0678079,3a,19.2y,31.53h,86.62t/data=!3m7!1e1!3m5!1sO3ebMblwSgIV6KWoipqWIA!2e0!6shhttps://pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D3.375789896843415%26panoid%3DO3ebMblwSgIV6KWoipqWIA%26yaw%3D31.530392624094112!7i16384!8i8192!5m1!1e1?entry=ttu&g_ep=EgoyMDI1MDMyNC4wIXMDSoASAFQAw%3D%3D)

[114.0678079,3a,19.2y,31.53h,86.62t/data=!3m7!1e1!3m5!1sO3ebMblwSgIV6KWoipqWIA!2e0!6shhttps://pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D3.375789896843415%26panoid%3DO3ebMblwSgIV6KWoipqWIA%26yaw%3D31.530392624094112!7i16384!8i8192!5m1!1e1?entry=ttu&g_ep=EgoyMDI1MDMyNC4wIXMDSoASAFQAw%3D%3D](https://www.google.com/maps/@50.8049727,-114.0678079,3a,19.2y,31.53h,86.62t/data=!3m7!1e1!3m5!1sO3ebMblwSgIV6KWoipqWIA!2e0!6shhttps://pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D3.375789896843415%26panoid%3DO3ebMblwSgIV6KWoipqWIA%26yaw%3D31.530392624094112!7i16384!8i8192!5m1!1e1?entry=ttu&g_ep=EgoyMDI1MDMyNC4wIXMDSoASAFQAw%3D%3D)

These images show an abundance of industrial metal material that was stored on the property since the inception of Matt's shop.

This looks to be over and above personal use, vs an operating business with a porta-potty and the amount of material making it look like an industrial storage yard.

