

The Development Appeal Board of Foothills County met via the Zoom video conferencing platform at 9:45 a.m. on April 8, 2021. Present were Chairman G. Beacom; Board members, D. Miller, R. Taylor, B. Meyers, R. Percifield and Clerk, S. Bogart.

## **MINUTES**

G. Beacom moved to adopt the minutes from the February 18, 2021 Development Appeal Board Hearing.

CARRIED

## **TARDIF – 21D 022 – SE 10-21-03 W5M – RELAXATION OF SETBACKS TO EXISTING ACCESSORY BUILDINGS**

The hearing was opened at 10:02 a.m. In attendance were current Landowners Dominik and Vicky Tardif, Appellants Dean and Candace Stabler, and Loretta Stabler, the Development Authority for Foothills County, Theresa Chipchase and the Development Appeal Board Clerk, S. Bogart.

The appeal was received from the Appellants Dean and Candace Stabler on March 15, 2021 and from the Appellant Loretta Stabler on March 22, 2021, against the approval of Development Permit 21D 022 for a Relaxation of Setbacks for existing Accessory Buildings on SE 10-21-03-W5M; PLAN 0110248, BLOCK 2, LOT 1.

Upon having read the materials provided, and upon having heard the representations from the Landowners, the Appellants 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 21D 022, the Subdivision and Development Appeal Board for Foothills County has decided to:

DENY the appeal and UPHOLD the Development Authority's decision to approve Development Permit 21D 022 for a Relaxation of Setbacks to Existing Accessory Buildings on SE 10-21-03-W5M; PLAN 0110248, BLOCK 2, LOT 1

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

### **CONDITIONS:**

1. Removal of the existing Sea-can from the parcel no later than June 30, 2021.
2. This approval allows for the existing Shed (3.10m x 4.24m) to be located a minimum of 11.66 m (38.25 ft.) from the north , side yard property line, at its closest point;
3. The existing Shop (12.6m x 2.41m) is to be located a minimum of 10.47m from the north east, side yard property line, at its closest point;
4. This relaxation pertains only to the setback between the existing Shed (3.10m x 4.24m) and the existing Shop (12.6m x 2.41m), to the north and northeast property lines as identified. All future development must meet the County setback requirements;
5. All Development is to comply with the requirements of the National Building Code, and Provincial Plumbing, Electrical and Fire Codes at all times.
6. All structures on this property are for personal use only and shall not be used in association with any business, or for the purpose of storing business related materials

- within, nor are they permitted to be used as a secondary residence, unless appropriate approvals are first obtained from Foothills County;
7. It is the applicant(s) responsibility to provide notification to the Development Authority upon completion of the development, as approved herein;
  8. Natural drainage of the property must be maintained. Alteration to natural drainage may proceed only under the authorization of an approved Development Permit for Lot Grading, or as acknowledged within the required Site Drainage and/or Lot Grading Plan;
  9. No topsoil is permitted to be removed from the property. When placing materials and conducting operations on the land, the applicant shall ensure that measures are taken to contain those materials and mitigate effects with respect to dust, erosion, and runoff;
  10. All installation of exterior building and yard lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw 27/2009;
  11. The issuance of a development permit from the County does not relieve the applicant of the responsibility of complying with all other relevant municipal bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
  12. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the development approved under this permit;

**ADVISORY COMMENTS:**

The following advisory comments are provided by Foothills County as a courtesy to the applicant(s) and property owner(s). These comments will not form the basis of the decision to approve the development permit application. They are simply provided for information purposes.

1. All development is required to comply with all requirements of the Alberta Building, Plumbing, Electrical, and Fire Codes at all times.
2. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw.

**PROKOPISHYN – 21D 113 - SW 28-21-29 W4M – DOG KENNEL, PRIVATE**

The hearing was opened at 11:00 a.m. In attendance were Appellant Tovie Van Nes and, Landowners/Applicants Nicole Prokopishyn and Elizabeth Friedman-Prokopishyn, the Development Authority for Foothills County, Brittany Hornsby, and the Development Appeal Board Clerk, S. Bogart.

Also in attendance was member of the gallery C. Hamm.

The appeal was received from the appellants Ms. Van Nes and Mr. Laptos on March 17, 2021 against the approval of Development Permit 21D 113 for the Approval of a Dog Kennel, Private on PLAN 9812918, LOT 9; Ptn. SW 28-21-29 W4M.

Upon having read the materials provided, and upon having heard the representations from the Landowner/Applicants, the Appellants, and the Development Authority for Foothills County with respect to the appeals filed by the Appellants in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 21D 113, the Subdivision and Development Appeal Board for Foothills County has decided to:

DENY the appeal and UPHOLD the Development Authority's decision to approve Development Permit 21D 113 for the approval to operate a Dog Kennel, Private on PLAN 9812918, LOT 9; Ptn. SW 28-21-29 W4M.

The application is thereby APPROVED subject to the following conditions:

**CONDITIONS OF APPROVAL:**

Failure to maintain compliance with the conditions of approval will see the Development Permit deemed null and void.

1. As this permit is for a Kennel, Private; no boarding of dogs, the grooming of dogs for profit, nor the training of dogs other than those owned by a permanent resident of the property shall occur. If a dog attends the property for breeding purposes, the cumulative total number of dogs on the property may not exceed the approved 10 at any given time;
2. the applicant shall maintain the development in accordance with all conditions of approval and plans that have been submitted by the applicant and acknowledged by the municipality to be appropriate. Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals;
3. the dogs shall be under the care and attention of the resident owner(s) or an authorized representative at all times;
4. the dogs must be contained within an enclosed building between 9 P.M. and 7 A.M. daily, unless under the immediate control of the owner or an authorized representative;
5. the accepted screening shall at all times be maintained as per the plans accepted to be appropriate by the County and must at all times be safe, functional, and in a good state of repair. Any included plantings are to be maintained to demonstrate healthy and vigorous growth;
6. the applicant 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.

**ADVISORY REQUIREMENTS:**

The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity and do not form part of the approval description or conditions of approval. It is the sole responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements. Please be advised that these requirements are not appealable to the Subdivision and Development Appeal Board.

1. 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.

**ADJOURN**

R.Taylor moved that the meeting be adjourned at 11:56 a.m.

CARRIED

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CHAIRMAN

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SECRETARY