

The Development Appeal Board of Foothills County met via the Zoom video conferencing platform at 1:00 p.m. on February 18, 2021. Present were Chairman G. Beacom; Board members, RD McHugh, V. LaRocke, T. Mills, B. Dayment, and Clerk, S. Bogart.

HELPIN - 21D 003 – RELAXATION OF SETBACKS

The hearing was opened at 1:06 p.m. In attendance were Applicant/Appellant Allan Helpin and the Development Authority for Foothills County, Brittany Hornsby. The appeal was received from the appellant on January 21, 2021, against the refusal of Development Permit 21D 003 for a Relaxation of Setbacks for a proposed accessory building (garage) on PLAN 3420IC, BLOCK 2, LOT 11; PTN. SE 22-22-03 W5M.

Upon having read the materials provided, and upon having heard the representations from the Appellant and the Development Authority for the Foothills County with respect to the appeal filed by the Appellants in accordance with Section 685 of the Municipal Government Act against the refusal of Development Permit 21D 003, the Subdivision and Development Appeal Board for Foothills County has decided to:

ALLOW the appeal and OVERTURN the automatic refusal of Development Permit 21D 003 for a relaxation of setbacks to a proposed garage on PLAN 3420IC, BLOCK 2, LOT 11; PTN. SE 22-22-03 W5M.

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

PRE-RELEASE CONDITIONS:

Pre-release conditions must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before July 19, 2021 will see this approval be deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).

1. Comprehensive Site Drainage Plan to be provided for the subject lands, prepared by a professional engineer to the satisfaction of the Public Works Department. The applicant is advised that review and acceptance of the required report may be subject to payment of review fee(s) as per the Foothills County fee schedule;
2. Lot Grading Plan to be provided for the subject lands, prepared by a professional engineer to the satisfaction of the Public Works Department. The applicant is advised that review and acceptance of the required report may be subject to payment of review fee(s) as per the Foothills County fee schedule;

ADDITIONAL CONDITIONS:

1. Upon completion of the Pre-Release conditions, this approval allows for an Oversized Accessory Building having a total area not to exceed 1,254 sq. ft. (116.31 sq. m.) to be located a minimum of 1.33 m (4.37 ft.) from the northwest, front yard property line and a minimum of 1.31 m (4.29 ft.) from the northeast, side yard property line, at its closest point;

2. This relaxation pertains only to the setback between the proposed Oversized Accessory Building, and the northwest and northeast property lines as identified. All future development must meet the County setback requirements;
3. Development of the land is to comply with the requirements of the National Building Code, and Provincial Plumbing, Electrical and Fire Codes at all times. **Prior to construction, the applicants shall obtain the necessary building and safety code permits for the accessory building;**
4. Further to condition #3, it has been identified that the subject parcel lies within the floodplain of Fish Creek, therefore the applicant shall ensure that all future development of the land complies with the 1:100 year flood requirements of the Building, Plumbing and Electrical Codes. Engineered Building Drawings to be reviewed and accepted for the proposed accessory building, to the satisfaction of the Building and Safety Codes Department;
5. The applicant(s) shall execute a flood hold harmless agreement with the Foothills County;
6. The applicant(s) must comply with all requirements of Alberta Environment and Parks with respect to the proposed development;
7. The existing "Shed (3.72 x 3.11)" shall be removed from the subject property in its entirety. It is the applicant(s) responsibility to ensure appropriate and proper disposal of any materials resulting from the demolition of any structures on the subject property;
8. The applicant is to either remove the second approach from 228th Street W, reconfigure the approach to the satisfaction of the Public Works Department or submit a written letter to Council requesting their consideration of a second approach on a parcel of less than 10 acres in size. Failure to receive appropriate approval to allow for the second approach to remain shall see the second approach immediately removed and ditch remediated, to the satisfaction of the Public Works Department;
9. The height of the accessory building must not exceed 10.67m (35ft.) from grade to peak, which is the maximum permitted within the Hamlet Residential District;
10. 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;
11. It is the applicant(s) responsibility to provide notification to the Development Authority upon completion of the development, as approved herein;
12. 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;
13. 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;

14. 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;
15. The issuance of a development permit from the Municipality 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;
16. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the Municipal District with respect to the development approved under this permit.

ADJOURN

Mr. Mills moved that the meeting be adjourned at 2:17 p.m.

CARRIED

CHAIRMAN

SECRETARY