

The Development Appeal Board for Foothills County met via the Zoom video conferencing platform at 1:00 p.m. on August 24, 2021. Present were Chairman G. Beacom; Board members RD McHugh, B. Meyers, C. Stormes, and P. Stier and Development Appeal Board Clerks S. Bogart and F. Fairweather.

G. Beacom moved that the Minutes from the July 27, 2021 Development Appeal Board hearing be approved as presented.

**CARRIED**

**WOLLMs/YOUNG/BURKHART - PTN. NW 13-21-04 W5M; PLAN 0010526, LOT 3 – APPROVAL OF A SEA-CAN FOR PERSONAL STORAGE & RELAXATION OF SETBACKS FOR EXISTING SHED**

The hearing was opened at 1:06 p.m. In attendance were the Applicant/Landowner Adam Matheson, Appellant Wollms, the Development Authority for Foothills County, Drew Granson and Development Appeal Board Clerk Susan Bogart.

The appeals were received from the Appellants Randy and Rhonda Wollms on July 29, 2021, Appellant Colin Young on August 5, 2021, and Appellant Marnie Burkhart on August 9, 2021 against Development Permit 21D 142 for the approval of a Sea-can for Personal Storage & Relaxation of Setbacks for an Existing Shed on PTN. NW 13-21-04 W5M; PLAN 0010526, Lot 3. Appellants

Upon having read the materials provided, and upon having heard the representations from the Applicants/Landowners, 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 142, 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 142 for a Sea-can for Personal Storage & Relaxation of Setbacks for an Existing Shed on PTN. NW 13-21-04 W5M; PLAN 0010526, Lot 3.

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

**APPROVAL DESCRIPTION:**

The Sea-Can is permitted to remain on the subject property for the purpose of personal storage and shall be relocated to the South property line, in a location that adheres to all municipal setback requirements as identified within the Land Use Bylaw 60/2014, and is generally screened from adjacent lands and roadways.

In addition, the existing "Wood Shed" (3.58x3.80) is permitted to remain, as depicted on the Real Property Report File No. 16-0075, dated November 10th, 2016, from Newport Land Surveys, signed by Horatiu Caraba, A.L.S. All other existing and future development must meet the County setback requirements.

**PRE-RELEASE CONDITION: TO BE COMPLETED BY NOVEMBER 1, 2021**

1. The Landowner shall bring the number of animal units on the subject property into compliance with the current Land Use Bylaw, which states that a development permit is not required with respect to the keeping of no more than one animal unit per three (3) acres in excess of nine (9) acres; therefore, a maximum of four animal units are permitted to be kept on the subject property, at any given time;
2. The Sea-can shall be relocated to the south, so as to better conceal it behind existing vegetation, and must adhere to all municipal setback standards;
3. The applicant shall paint the Sea-can in a neutral colour to aesthetically complement to surrounding landscape and/or vegetation, or shall paint the Sea-can to aesthetically complement the primary buildings on the subject property, to the satisfaction of the Development Authority. The Landowner shall provide colour examples, or exterior finishes, for review and acceptance by the Development Department prior to proceeding with painting the Sea-can;

**CONDITIONS OF APPROVAL:**

Please note that the following requirements must be completed within the twenty-four (24) month completion period for this Development Permit, unless a time extension is issued under agreement between the Development Authority and the Applicant(s). Failure to complete the conditions of approval will see the Development Permit deemed null and void:

1. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been 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;
2. It is the Landowners' responsibility to ensure the Sea-can is generally screened from adjacent properties and roadways;
3. The Sea-can shall be used exclusively for the Landowners' personal storage and shall not be rented out at any time, nor is the Sea-can permitted for the storage of any business related materials;
4. Should the Sea-can be removed from the subject property for greater than 60 consecutive days, the Sea-can would not be permitted to return to the subject property without receiving an updated approval;
5. No portion of the Sea-can shall be used as a living residence at any time, this includes any overnight accommodations;
6. It is the Landowners' responsibility to provide notification to the Development Authority upon completion of the development, as approved herein;
7. A maximum of five (5) unoccupied recreational vehicles, including boats, are permitted to be located on the subject property, at any given time;

8. The Landowners are advised that no business related materials, vehicles, or equipment are permitted to be located on the subject property and no business operations of any kind are to take place on the property;
9. Should the existing woodshed be moved or demolished, no structure shall be built in its place. All future accessory buildings are to adhere to setback requirements as set out in the Land Use Bylaw 60/2014.

**ADVISORY REQUIREMENTS:**

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. 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;
2. The applicants 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

**KERNAGHAN - PTN. NW 19-17-28 W4M; PLAN 960J, BLOCK 1, LOTS 6-8 – REFUSAL OF A RELAXATION OF SETBACKS TO EXISITING STRUCTURE(S)**

The hearing was opened at 2:23 p.m. In attendance were the Appellants/Landowners Kourtney and Graham Kernaghan, the Development Authority for Foothills County, Brittany Hornsby, and Development Appeal Board Clerk Felicia Fairweather.

The appeal was received from the Appellants/Landowners Kourtney and Graham Kernaghan on August 10, 2021 against Development Permit 21D 158 for the automatic refusal for a Relaxation of Setbacks to Existing Structure(s) on PTN. NW 19-17-28 W4M; Plan 960J, Block 1, Lots 6-8.

Upon having read the materials provided, and upon having heard the representations from the Appellants/Landowners 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 automatic refusal of Development Permit 21D 158, the Subdivision and Development Appeal Board for Foothills County has decided to:

ALLOW the appeal and OVERTURN the Development Authority's decision to automatically refuse Development Permit 21D 158 for a Relaxation of Setbacks to Existing Structure(s) on PTN. NW 19-17-28 W4M; Plan 960J, Block 1, Lots 6-8.

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

**APPROVAL DESCRIPTION:**

The existing 'Garage (7.37 x 7.37)' is permitted to remain, as depicted on the Real Property Report File No. 21-280 dated June 1, 2021 from SexSmith Surveys Ltd. All other existing and future development must meet the County setback requirements.

**ADVISORY REQUIRMENTS:**

The following requirements 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. 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;
3. The applicants 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;

**ADJOURN**

Mr. Stormes moved that the meeting be adjourned at 2:44 pm.

**CARRIED**

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CHAIRMAN

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SECRETARY