

The Development Appeal Board of Foothills County met via Zoom video conferencing platform at 1:00 p.m. on November 3, 2020. Present were Chairman G. Beacom; Board members, R. Taylor, B. Robson, D. MacDonald, and Clerk, S. Barrett.

REIDLINGER – 20D 122 – SEA-CAN FOR PERSONAL STORAGE AND RELAXATION OF SETBACKS FOR THE CONTAINER

The hearing was opened at 1:01 p.m. In attendance were Landowner/Applicant Donald Reidlinger, Appellants Dwight French, Olwyn French, and Curtis Hart, Member of the Gallery Robbie McKie, and the Development Authority for Foothills County, Brenda Bartnik.

The appeals were received from the appellants D. & O. French on October 5, 2020 and from the Appellants C. & D. Hart on October 6, 2020, against the approval of Development Permit 20D 122 for the Placement of one (1) Sea-can for Person Storage and a Relaxation of Setbacks for the Container on Plan 0112224, Block 1, Lot 6; Ptn. SE 16-21-29 W4M.

Upon having read the materials provided, and upon having heard the representations from the Landowner/Applicant, Appellants, Member of the Gallery, 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 20D 122, the Subdivision and Development Appeal Board for Foothills County has decided to:

DENY the appeals and **UPHOLD** the Development Authority's decision to approve Development Permit 20D 122 for the Placement of One (1) Sea-can for Personal Storage and a Relaxation of Setbacks for the Container on Plan 0112224, Block 1, Lot 6; Ptn. SE 16-21-29 W4M.

The application is thereby APPROVED subject to the following conditions:

CONDITIONS:

1. This approval is to allow for the placement and use of one (1) - 160 sq. ft. Sea-can (shipping container) for the purpose of personal storage on the subject property;
2. the Sea-can is permitted to remain 4.5m (15 ft.) from the west property line. This relaxation pertains only to the setback between the existing Sea-can and the west property line. All other development must meet County setback requirements;
3. the Sea-can shall at all times be maintained to be safe, functional, and in a good state of repair; including the preservation of the exterior finish to ensure that the Sea-can aesthetically complements the primary structure on the subject property. Any damage must be repaired in a timely manner and the unit shall be refinished at any such time that it begins to appear unsightly from age or degradation.

- Replacement of the Sea-can shall not proceed unless authorized under an independent application for development permit;
4. the existing, mature vegetation shall be maintained in order to support visual screening from adjacent lands and the municipal road surface. Plants are to demonstrate healthy and vigorous growth. Any dead stock must be replaced with similar or greater material(s) in order to ensure that the same or greater visual screening of the Sea-can is maintained;
 5. the Sea-can shall be used for the storage of personal items, and/or equipment and materials for land maintenance and upkeep of the subject property only. Rental of, or use of the container in conjunction with a business, home occupation, or for any type of residential purpose – including for overnight stays, has not been considered under this approval. Any such additional use(s) will require approval under appropriate independent municipal application(s). Modifications to, or attachments/additions to the container is not permitted;
 6. pre-existing drainage of the parcel shall be maintained. Alteration to natural drainage may proceed only under the authorization of an approved development permit for Lot Grading;
 7. any new installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Foothills Dark Sky Bylaw;
 8. the landowner(s)/applicant(s) indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of the Sea-can on this property;
 9. issuance of a development permit by the municipality does not relieve the applicant 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 and/or the storage of materials on the property;
 10. the applicant is responsible for payment of any professional costs, including legal fees, which may be incurred by the County with respect to the development approved on this permit.

ADJOURN

Mr. MacDonald moved that the meeting be adjourned at 1:54 p.m.

CARRIED

CHAIRMAN

SECRETARY