

The Development Appeal Board of Foothills County met via the Zoom video conferencing platform at 1:00 p.m. on December 3, 2020. Present were Chairman G. Beacom; Board members, RD McHugh, B. Meyers, R. Percifield, G. Wilkinson, and Clerk, S. Bogart.

**McGAFFEY/FRONTIER HOMES - 20D 185 - RELAXATION OF SETBACKS**

The hearing was opened at 1:01 p.m. In attendance were Landowner/Appellant Patrick McGaffey and the Development Authority for Foothills County, Logan Cox.

The appeal was received from the appellants on November 18, 2020, against the refusal of Development Permit 20D 185 for a Relaxation of Setbacks for a proposed Accessory Building on PLAN 1212691, BLOCK 1, LOT 1; NW 10-21-01 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 20D 185, the Subdivision and Development Appeal Board for Foothills County has decided to:

ALLOW the appeal and OVERTURN the Development Authority's decision to refuse Development Permit 20D 185 for a Relaxation of Setbacks to a Proposed Accessory Building on PLAN 1212691, BLOCK 1, LOT 1; NW 10-21-01 W5M.

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

1. This approval allows for the proposed Accessory Building to be located a minimum of 10.30 meters (33.79 ft.) from the south property line, at its closest point, as per the submitted site plan;
2. The proposed Accessory Building is for personal use only. No portion of the structure shall be used in association with any business, or for the purpose of storing business related materials within, without receiving appropriate approvals from Foothills County;
3. No portion of the proposed accessory building are permitted to be used as a secondary residence, unless appropriate approvals are obtained from the Foothills County;
4. The applicant is required to obtain and maintain all necessary building and safety code permits for the construction of the Accessory Building. The applicant is to be aware that all Safety Codes Permits are to be doubled, as per the Fee Schedule, since the project commenced prior to appropriate approvals being in place;
5. The proposed Accessory Building shall not exceed a maximum height of 10.67 meters (35 ft.), which is the maximum permitted within the Country Residential Land Use District;
6. No topsoil shall be hauled off of the subject lands;
7. It is the responsibility of the landowners to ensure that natural drainage patterns of the parcel are maintained. Alteration to drainage is to proceed only under approval by means of a lot grading permit from the County;
8. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
9. If materials are to be brought onto the property (i.e. clay, fill, soils, etc.), the applicants must ensure a road use agreement, or a waiver of such, is obtained from the Public Works Department. Failure to comply with this condition could result in Section 7, the Enforcement

- Section, of the Land Use Bylaw being implemented which could result in a penalty as identified in Appendix D and/or the cancellation of this Development Permit under Section 7.3.1(e);
10. The applicant is wholly responsible for all costs of improvement and/or remedial works during and after development of the land;
  11. Throughout the course of development, erosion protection shall be implemented and maintained where required;
  12. It is the landowner's responsibility to provide notification to the Development Authority upon completion of the development, as approved herein;
  13. The issuance of a Development Permit from the municipality does not relieve the applicant of the responsibility of complying with all other relevant bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
  14. 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 herein.

### **GOODWIN – 20D 121– SEA-CAN FOR PERSONAL STORAGE**

The hearing was opened at 2:02 p.m. In attendance were the Applicant Connor Dixon, Landowners David and Sean Goodwin, Appellant Mark Campbell and the Development Authority for Foothills County, Brenda Bartnik.

The appeals were received from the appellant Mark Campbell on November 3, 2020 and from Frieda Conkling on November 4, 2020 against the approval of Development Permit 20D 121 for the Approval of one (1) existing Sea-can for Person Storage on PLAN 9612704, BLOCK 2; PTN. SE 05-21-29 W4M.

Upon having read the materials provided, and upon having heard the representations from the Applicant, Landowners, and Appellant, 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 121, 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 121 for the Placement of one (1) Sea-can for Personal Storage on PLAN 9612704, BLOCK 2; PTN. SE 05-21-29 W4M.

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

#### **PRE-RELEASE CONDITION:**

1. A plan for finishing of the Sea-Can and/or for screening the unit from the view of area lands and road surfaces shall be submitted for review and acceptance by the Development Officer no later than January 15, 2021.

#### **CONDITIONS:**

1. This approval is to allow for the placement and use of one (1) - 320 sq. ft. Sea-Can (shipping container) for the purpose of personal storage on the subject property;

2. All development on the property must meet setback requirements as are identified under the applicable Land Use District;
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 accepted plan for screening shall be maintained in order to support visual screening from adjacent lands and the municipal road surface(s). Exterior finishing and screening of the Sea-Can shall be completed as per the accepted plan. Any plants are to demonstrate healthy and vigorous growth. 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. All aspects of the approved screening plan must be fully implemented by August 15, 2021;
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. McHugh moved that the meeting be adjourned at 2:38 p.m.

CARRIED

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CHAIRMAN

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SECRETARY