

**APRIL 5, 2022**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**HEARING AGENDA**  
**COUNCIL CHAMBERS AND VIDEOCONFERENCE**  
**2:00 p.m.**

**1. CALL TO ORDER (2:00 p.m.)**

**2. SCHEDULE OF HEARINGS:**

- |     |                                  |             |                    |
|-----|----------------------------------|-------------|--------------------|
| 2.1 | Appellant: David & Atty Bressler | 022-STU-004 | Development Appeal |
| 2.2 | Appellant: Emile & Louise Royer  | 022-STU-005 | Development Appeal |

**3. ADJOURNMENT**

# Appeal #1

022-STU-004 Appealing the  
Development Authority's refusal to  
leave an existing building as built  
(detached garage) with a variance to  
the side and rear yard setback

**SUBDIVISION & DEVELOPMENT APPEAL BOARD**

<b>Site Information:</b>		Date Received Stamp
Municipal Address of site:	140 Fernwood Crescent, (54418 RR251), Sturgeon County	
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter)	Plan 7621623, Block 7, Lot 9	
Development Permit number or Subdivision Application number:	305305-22-D0048	
<b>Appellant Information:</b>		
Severed in line with Section 17 of the FOIP Act		
Name:	Atty Bressler	Agent Name: (if applicable)
Phone:		
Mailing Address		City, Province:
Postal Code		Email:

**APPEAL AGAINST** (Check **ONE** Box Only) for multiple appeals you must submit another Notice of Appeal


<b>Development Permit</b>	<b>Subdivision Application</b>
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval
<input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Refusal
<b>Stop Order</b>	
<input type="checkbox"/> Stop Order	

**REASON(S) FOR APPEAL** Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons

Existing garage (>20yrs old) is in excellent condition, present in an established residential subdivision, and is located at rear of property, away (>45m) from any nearby existing buildings, water bodies, roads public spaces, located at rear of property, exceeding variance by only 7.6%(rear) and 2.8% (side).

New property owners (Bressler) wish to make compliant when learning it was not. (Attach a separate page if required)

The personal information collected will be used to process your request for a hearing before the Subdivision and Development Appeal Board and is collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP). Your information will form part of a file available to the public. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613-100 Street, Morinville, Alberta, T8R 1L9 (780) 939-4321.

<b>Signature of Appellant/Agent:</b>		<b>Date:</b> 9 March 2022
<b>FOR OFFICE USE ONLY</b>		
<b>SDAB Appeal Number:</b>	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date: YYYY/MM/DD

**APPEAL SUBMISSION INFORMATION**

The Notice of Appeal must be received by the Subdivision and Development Appeal Board, no later than the final date of the appeal, as specified in the *Municipal Government Act*. Otherwise the appeal will not be processed.

**FILING INFORMATION**

**MAIL OR DELIVER TO:**

Secretary, Subdivision & Development Appeal Board  
9613-100 Street  
Morinville, AB T8R 1L9

**\*Please note that the Notice of Appeal form will not be processed until the fee calculated in accordance with the County's current *Fees & Charges Schedule* is received.**

**APPEAL PROCESS**

**Who can appeal?**

**Subdivision appeals:**

- The applicant for subdivision approval, pursuant to Section 678(1)(a) of the *Municipal Government Act*.
- Government Departments to which subdivision applications are required to be referred for comment, pursuant to Section 678 (1)(b) of the *Municipal Government Act*.
- School authorities on limited issue with respect to allocation of municipal and school, pursuant to Section 678(1)(d) of the *Municipal Government Act*.

Please note: The *Municipal Government Act* does not provide for adjacent owners to appeal but they are entitled to be notified of an appeal and to be heard at the Board hearing.

**Development appeals:**

Development appeals may be filed by anyone who is affected by a decision of the Development Authority in relation to a development proposal. Appeals may not be filed for a permitted use unless the Development Authority relaxed, varied or misinterpreted the Land Use Bylaw.

**For further information:**

If you require additional information regarding the appeal deadlines and the procedures of the Board, please contact the Secretary of the Subdivision and Development Appeal Board at:

Phone: 780.939.4321  
Email: [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca)

2021 Drone Images – 140 Fernwood Crescent:



We purchased this vacant lot in 2020 with existing garage present at rear of property. No house is currently present as it was removed approximately 10 years ago, with the intent to build a new house on the property. Garage is in good condition and would prefer not to tear it down.





**Sturgeon County**  
 9613-100 St (780) 939-4321  
 Morinville, Alberta T8R-1L9  
 (780) 939-4321 ext.

Severed in line with Section 17 of the FOIP Act

BRESSLER, ATTY

Receipt Number: 202201047  
 GST Number: 107747412RT0001  
 Date: 2022-03-09  
 Initials: JW

Account	Description	Prev Bal	Payment	Balance
16APP	APPEAL FEES - LEGISLATIVE SI		\$100.00	
			Subtotal: \$100.00	
			Taxes: \$0.00	
			Total Receipt: \$100.00	<u>Cheque No.</u>
			Visa: \$100.00	
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	

March 16, 2022

SDAB File Number: 022-STU-004

Dear David and Atty Bressler:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Plan 7621623; Block 7; Lot 9
Decision Regarding Proposed Development:	To leave an existing accessory building as built (detached garage) with a variance to the side and rear yard setback

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Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on March 9, 2022. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **April 5, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 413 876 493#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than March 31, 2022.

SDAB hearings are public in nature, and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website.

Should you require further information, call (780) 939-8277 or email [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

Dianne Mason  
Secretary, Subdivision and Development Appeal Board



March 16, 2022

SDAB File Number: 022-STU-004

Dear Resident:

**NOTICE OF  
APPEAL BOARD HEARING**

Take notice that a hearing has been scheduled concerning the following proposed development:

Legal Description of Subject Property: Plan 7621623; Block 7; Lot 9

Decision Regarding Proposed Development: To leave an accessory building as built (detached garage) with a variance to the side and rear yard setback

**Applicants: David and Atty Bressler**

Reasons for Appeal (as identified on the Notice of Appeal):

- The existing garage is in excellent condition, present in an established residential subdivision, and is located at the rear of property, away from any existing buildings, bodies of water, roads or public spaces.
- The variance is exceeding by only 7.6% in the rear and 2.8% on the side.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **April 5, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 413 876 493#. This should connect you directly into the hearing.

**Why am I receiving this information?**

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date and must include your current email address. Therefore, written submissions are due to be submitted no later than March 31, 2022.

SDAB hearings are public in nature and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website.

For further information, please call (780) 939-8277 or by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

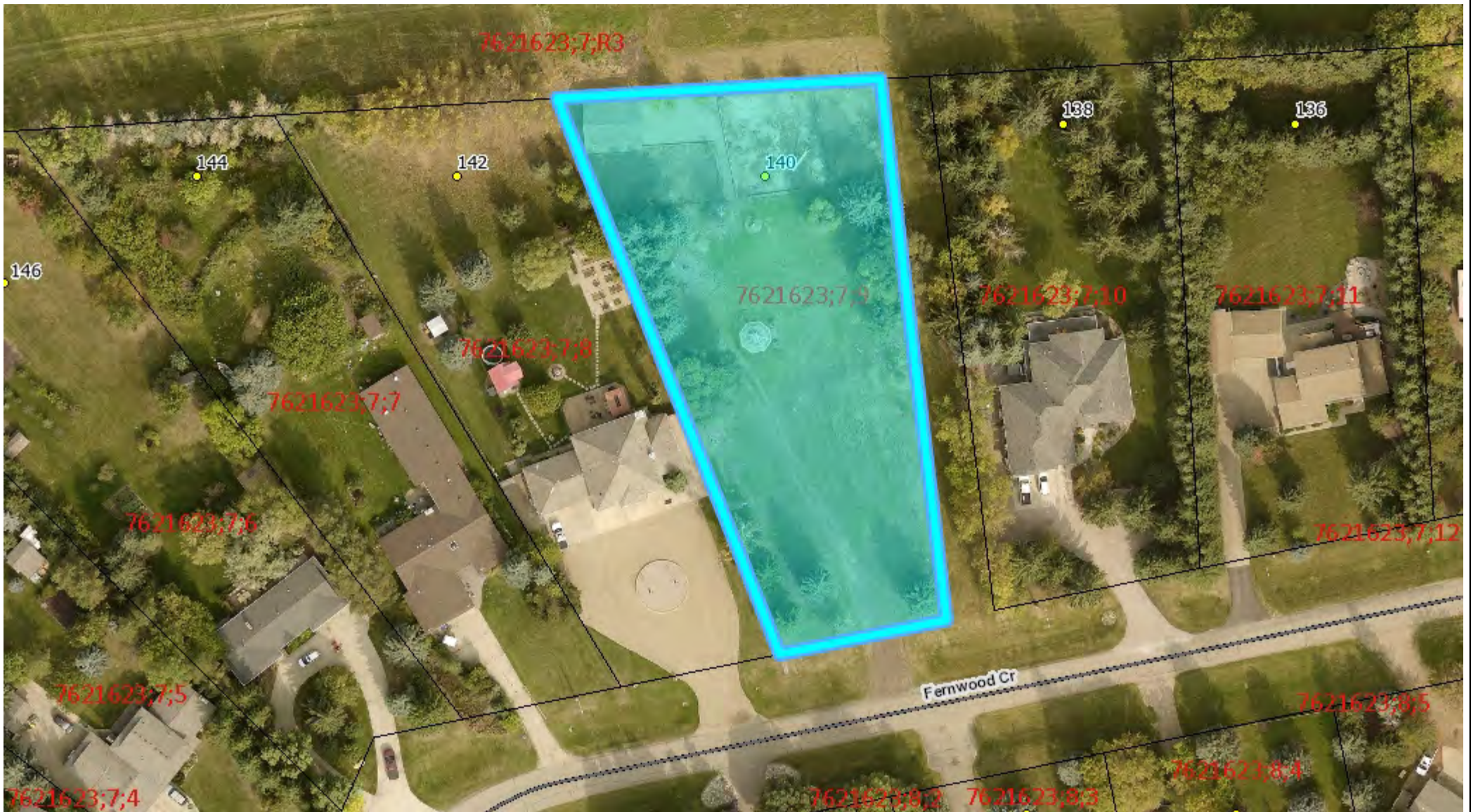
Dianne Mason  
Secretary, Subdivision and Development Appeal Board

*The personal information provided is collected under the authority of Section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act and Division 10 of the Municipal Government Act. The information will be used as part of your written brief and may be recorded in the minutes of the Subdivision Development Appeal Board, or otherwise made public pursuant to the provisions of the Freedom of Information and Protection of Privacy (FOIP) Act, including Section 40 therein. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 - 100 Street, Morinville, Alberta, T8R 1L9 (780) 939.4321.*

# Lot 9, Block 7, Plan 7621623

Existing Accessory Building

10-Mar-2022



Information on this map is provided solely for the user's information and, while thought to be accurate, is provided strictly "as is" and without warranty of any kind.

NAD\_1983\_10TM\_AEP\_Resource  
© Sturgeon County

Prepared By: \_\_\_\_\_  
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## **Subdivision and Development Appeal Hearing Process**

The hearing is a formal meeting and the length of time can vary. Hearings are generally scheduled Tuesday afternoons at the Sturgeon County Centre in the Town of Morinville or via videoconference.

Persons who file an appeal are expected to make a verbal presentation to the Board. Persons who have been notified of the appeal also have the right to present a verbal, written and/or visual presentation to the Board. ***This information should be submitted to the Secretary at least five (5) days in advance of the hearing, so it can be included within the hearing package.*** If desired, parties may have someone, or an agent, speak on their behalf. If a number of appeals are filed on the same subdivision or development, it is recommended that a spokesperson be selected to organize presentations so that evidence is not repetitive.

The Board is not an evidence seeking body. It relies on the written evidence presented, as well as verbal submissions at the hearing, as the basis for their decision. Therefore, it is critical that persons appearing before the Board ensure that sufficient evidence is presented to support their respective positions.

When presenting an appeal, keep in mind the Board does not consider precedent when making its decision. Each application is judged on its own merits.

### **At the hearing . . .**

Anyone in attendance with an interest in the appeal enters the hearing room, joins the videoconference, or dials in just before the scheduled start time of the hearing on the scheduled date of the hearing.

1. The meeting is called to order by the Chair.
2. The Chair welcomes everyone and gives a brief outline as to how the hearing will proceed.
3. The Chair will have all board members, staff and people involved in the appeal introduce themselves and those present are asked if there are any objections to the Board members hearing the appeal.

4. A representative of Sturgeon County Planning and Development will outline the background of the appeal and why the decision was made.
5. The Chairman will then ask:
  - The Appellant to introduce themselves for the record.
  - The Appellant then presents his/her position or concerns with respect to the matter being considered by the Board. Development Appeal Board members question the Appellant.
  - Clearly state your reasons for the appeal.  
**Information such as photographs, illustrative materials and well-prepared drawings that you wish to present should be submitted to the Secretary at least five (5) days in advance of the hearing, so that the information can be included within the hearing package that is circulated.**
  - Stick to the planning facts and support them with quantifiable (measurable) data.
  - State the detailed issues about the site in the context of the surrounding properties and the impact on the community.
  - The Board will then hear from anyone else in favor of the appeal (persons who filed an appeal or support the position of the Appellant). Following each presentation Board members may ask questions.
  - The Board will then hear from anyone opposed to the appeal (persons who oppose the position of the Appellant).
6. After all presentations have been heard, the Chairman will give the Appellants the right to respond to new information. This is an opportunity to refute information and evidence presented since the last time you spoke that you could not have reasonably anticipated. It is not an opportunity to reargue your case or create new argument.
7. The Chairman advises that the Board will deliberate in a Closed Session and a written decision will be mailed within 15 days from the date of the decision as per legislation.



Planning and Development  
9613-100 Street  
Morinville, AB T8R 1L9  
Phone (780) 939-8275  
Fax (780) 939-2076  
Email: [PandD@sturgeoncounty.ca](mailto:PandD@sturgeoncounty.ca)

## Notification of Decision Letter

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Date: Mar 8, 2022

Permit Number: 305305-22-D0048

To: Bressler, Atty and David

Re: Decision of the Development Officer

Severed in line with Section 17 of the FOIP Act

Please be advised that development permit #305305-22-D0048 to leave an existing accessory building as built (detached garage 9.29m x 9.28m) with a variance to the side and rear yard setback was REFUSED on Mar 8, 2022.

This decision or a condition of this permit, may be appealed to the Subdivision and Development Appeal Board within 21 days after the date on which a person qualified to appeal is notified. The 21 day appeal period, from the date of issuance, must lapse before the Development Permit becomes effective.

If you have any questions regarding the development permit, please contact the undersigned at (780)939-8275 or toll free at 1-866-939-9303.

Regards,

A handwritten signature in cursive script that reads "CWilliams".

Carla Williams  
Development Officer



**Development Permit**

**Land Use Bylaw 1385/17**

Permit No.: 305305-22-D0048  
Tax Roll No.: 178004  
Decision Date: Mar 8, 2022  
Effective Date: Mar 29, 2022

**Applicant**

Name: Bressler, Atty and David  
Address:

**Owner**

Name: Bressler, Atty and David  
Address:

Phone:  
Cell:  
Fax:  
Email:

Phone:  
Cell:  
Fax:  
Email:

Severed in line with Section 17 of the FOIP Act

**Property Description**

**Legal Land Description:** Lot 9; Block 7; Plan 7621623  
**Land Use Description:** R2 Country Estate Residential District  
**Rural Address:** 140-54418 Rge Rd 251

**Description of Work**

To leave an existing accessory building as built (detached garage 9.29m x 9.28m) with a variance to the side and rear yard setback

**Fees**

Accessory Building, Discretionary Use / Variance Request \$360.00

The application to leave the existing accessory building (detached garage) as built is REFUSED for the following reasons:

1. Pursuant to section 12.2.4 of Land Use Bylaw 1385/17 the minimum side yard setback for an accessory building is 2.5m (8.2ft) within the R2 Country Estate Residential District.  
**Actual side yard – 1.43m (4.69ft)**  
**Variance required – 1.07m (3.5ft) or 42.8%**
2. Pursuant to section 12.2.4 of Land Use Bylaw 1385/17 the minimum rear yard setback for an accessory building is 2.5m (8.2ft) within the R2 Country Residential District.  
**Actual rear yard – 1.31m (4.30ft)**  
**Variance required – 1.19m (3.9ft) or 47.6%**
3. Pursuant to section 2.8.6(b) variances for the districts in excess of what is prescribed shall be refused by the Development Authority. **The maximum variance that may be granted by the Development Authority in the R2 district is 40%.**

If you have any questions or concerns about your application or any conditions listed above, please contact the Current Planning and Development Department at 780-939-8275.

**Issued By:**



Carla Williams  
Development Officer

**Municipality**

Sturgeon County  
9613 – 100 Street Morinville, AB T8R 1L9  
Phone: (780) 939-8275  
Fax: (780) 939-2076  
Toll Free: 1-866-939-9303

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**Appeal Information**

Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. If you wish to appeal this decision, please choose the correct appeal body having jurisdiction.

If the application is the subject of a license, permit, approval, or other authorization granted by the Minister of Environment and Parks or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act, or granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission - Appeals shall be filed with the Land and Property Rights Tribunal at [lp.rta.appeals@gov.ab.ca](mailto:lp.rta.appeals@gov.ab.ca) or by mail to 2nd Floor, Summerside Business Center, 1229 91 Street SW, Edmonton, AB, T6X 1E9. Telephone enquiries can be made to 780-427-2444.

All others appeals not subject to the above can be filed with the Secretary of the Subdivision and Development Appeal Board via email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made at 780-939-4321.



# ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

THIS REPORT IS PREPARED FOR: **ATTY BRFESSIER** FILE No.

**LOT 9, BLOCK 7, PLAN 762 1623**  
140 FERNWOOD CRESCENT, STURGEON COUNTY, ALBERTA.

SURVEY COMPLETED: NOVEMBER 23rd, 2021.  
TITLE SEARCHED: NOVEMBER 19th, 2021. TITLE NO. 202 155 336

**CERTIFICATION:** I HEREBY CERTIFY THAT THIS REPORT WHICH INCLUDES THIS PLAN AND RELATED SURVEY, WAS PREPARED AND PERFORMED UNDER MY PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE OF THE ALBERTA LAND SURVEYORS' ASSOCIATION AND SUPPLEMENTS THERETO. ACCORDINGLY WITHIN THOSE STANDARDS AND AS OF THE DATE OF THIS REPORT,

- I AM OF THE OPINION THAT:**
1. THE PLAN ILLUSTRATES THE BOUNDARIES OF THE PROPERTY, THE IMPROVEMENTS AS DEFINED IN PART D, SECTION 8.5 OF THE ALBERTA LAND SURVEYORS' ASSOCIATION'S MANUAL OF STANDARD PRACTICE, REGISTERED EASEMENTS AND RIGHTS-OF-WAY AFFECTING THE EXTENT OF THE TITLE TO THE PROPERTY.
  2. THE IMPROVEMENTS ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PROPERTY. EXCEPT FOR PILLARS ONTO LOT 8, WALKWAY AND LOT R3, AND RETAINING WALL ONTO LOT R3 AS SHOWN.
  3. NO VISIBLE ENCROACHMENTS EXIST ON THE PROPERTY FROM ANY IMPROVEMENTS SITUATED ON AN ADJOINING PROPERTY.
  4. NO VISIBLE ENCROACHMENTS EXIST ON REGISTERED EASEMENTS OR RIGHTS-OF-WAY AFFECTING THE EXTENT OF THE PROPERTY.

**PURPOSE:** THIS REPORT AND RELATED PLAN HAVE BEEN PREPARED FOR THE BENEFIT OF THE PROPERTY OWNER, SUBSEQUENT OWNERS AND ANY OF THEIR AGENTS FOR THE PURPOSE OF (A LAND CONVEYANCE, SUPPORT OF A SUBMISSION APPLICATION, A MORTGAGE, ETC.). COPYING IS PERMITTED ONLY FOR THE BENEFIT OF THESE PARTIES WHERE APPLICABLE, REGISTERED EASEMENTS, UTILITY RIGHTS-OF-WAY AFFECTING THE EXTENT OF THE PROPERTY HAVE BEEN SHOWN. UNLESS SHOWN OTHERWISE, PROPERTY CORNER MARKERS HAVE NOT BEEN PLACED DURING THE SURVEY FOR THIS REPORT. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY BOUNDARIES DUE TO THE RISK OF MISINTERPRETATION OR MEASUREMENT ERROR BY THE USER. THE INFORMATION SHOWN ON THIS REAL PROPERTY REPORT REFLECTS THE STATUS OF THIS PROPERTY AS OF THE DATE OF SURVEY ONLY. USERS ARE ENCOURAGED TO HAVE THE REAL PROPERTY REPORT UPDATED FOR FUTURE REQUIREMENTS

DATED AT EDMONTON, ALBERTA. NOVEMBER 25th, AD. 2021



PAUL W.K. CHAN A.L.S.  
© Copyright 2021.

NOTE: THIS DOCUMENT IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE (IN BLUE INK) AND A GEODETIC SURVEYS & ENGINEERING LTD. PERMIT STAMP (IN RED INK).

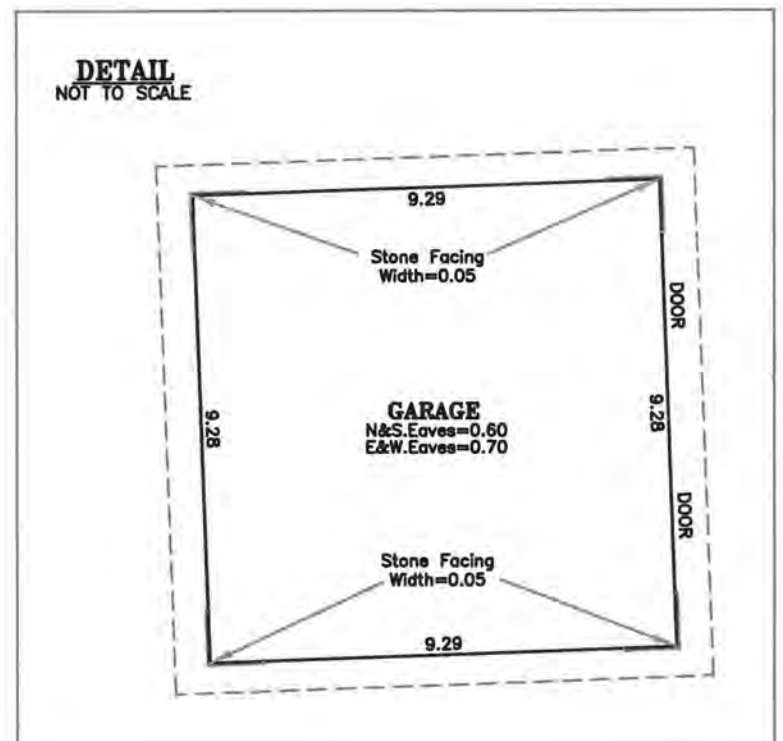
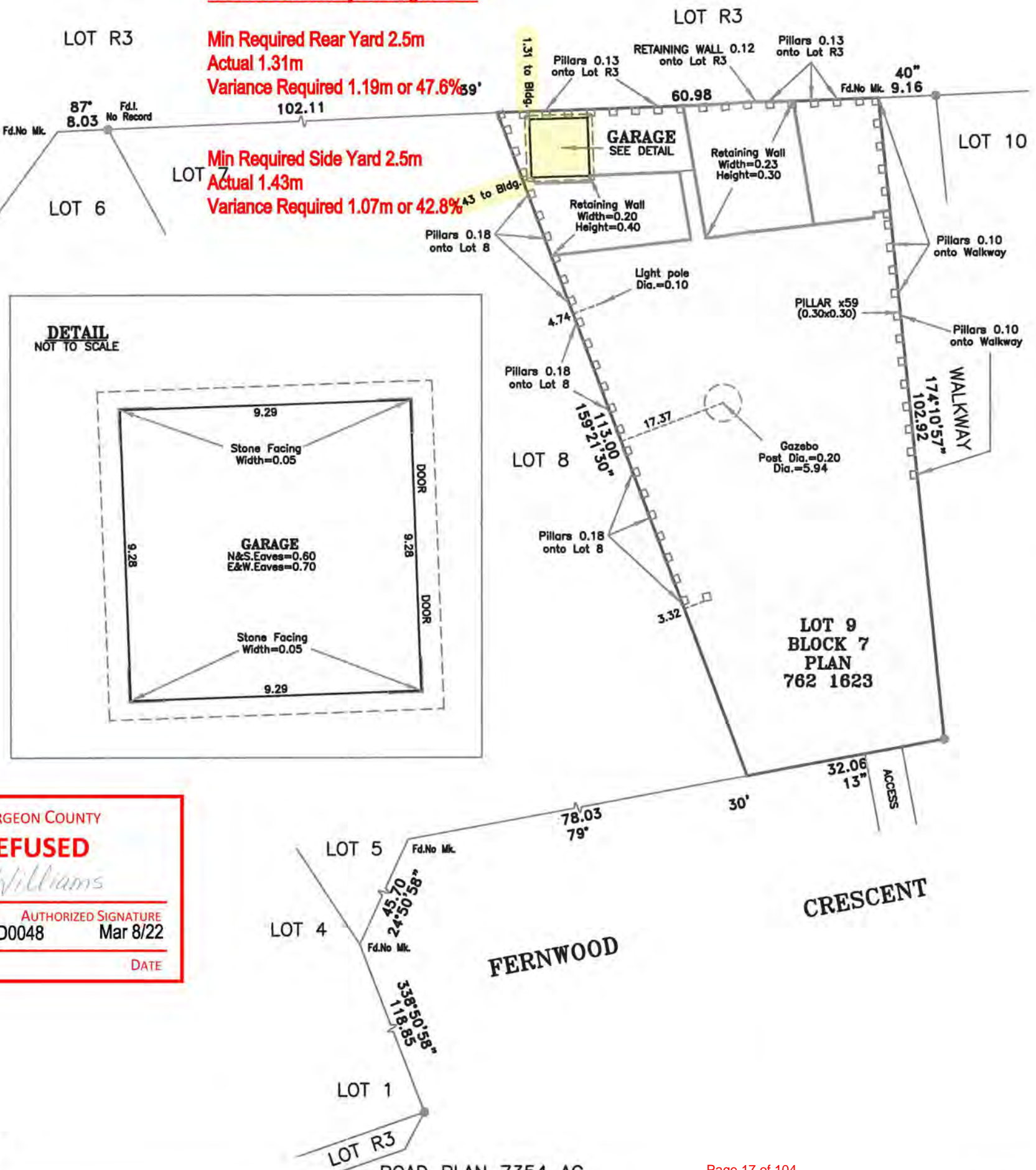
- NOTE:**
1. ALL DISTANCES ARE SHOWN IN METRES AND DECIMALS THEREOF.
  2. STATUTORY IRON POSTS FOUND SHOWN THUS.....●
  3. IRON BARS FOUND SHOWN THUS.....◆
  4. U.T.L. DENOTES UNABLE TO LOCATE SURVEY EVIDENCE.
  5. Fd.No.Mk. DENOTES FOUND NO SURVEY EVIDENCE.
  6. MEASUREMENTS APPLY TO THE NEAREST FINISHED SURFACE OF EXTERIOR BUILDING WALLS UNLESS SHOWN OTHERWISE.
  7. ALL YARD DISTANCES ARE PERPENDICULAR OR RADIAL TO THE PROPERTY LINES UNLESS SHOWN OTHERWISE.
  8. FENCES ARE WITHIN 0.20m OF THE PROPERTY LINE UNLESS SHOWN OTHERWISE AND ARE SHOWN THUS. \* \* \*
  9. EAVES DIMENSIONED ARE TO THE LINE OF THE FASCIA.
  10. THIS PLAN IS NOT MADE FOR LITIGATION USES.

**GEODETIC SURVEYS & ENGINEERING LTD.**  
9538 - 87 STREET, EDMONTON, ALBERTA T6C 3J1  
Phone: (780) 465-3389 Fax: (780) 465-5400  
ACAD: 211916.DWG/RC SCALE 1: 750 JOB No. P-1211916

To Leave Accessory Building As Built

Min Required Rear Yard 2.5m  
Actual 1.31m  
Variance Required 1.19m or 47.6%

Min Required Side Yard 2.5m  
Actual 1.43m  
Variance Required 1.07m or 42.8%



STURGEON COUNTY  
**REFUSED**  
*C. Williams*  
AUTHORIZED SIGNATURE  
305305-22-D0048 Mar 8/22  
DATE

NOTE:  
CONCRETE SIDEWALK/PATIO UNABLE TO SHOW DUE TO EXCESS SNOW.  
PILLARS NOT SHOWN AT SCALE.



Planning and Development

9613-100 Street
Morinville, AB T8R
119 Phone (780) 939-8275
Fax (780) 939-2076
Email: PandD@sturgeoncounty.ca

For Office Use
Permit Number: 305305-22-D0048
Date Received: 07 March 2022
Received By: DC

DEVELOPMENT PERMIT APPLICATION

Application is hereby made under the provisions of Land Use Bylaw 1385/17 to develop in accordance with the plans and supporting information submitted herewith and which form part of this application.

APPLICANT INFORMATION

Complete if different from Applicant

Name of Applicant: David and Atty Bressler
Name of Registered Land Owner: Severed in line with Section 17 of the FOIP Act
Mailing Address:
City:
Postal Code: PH:
E-mail Address:

Contact Name: Atty Bressler

LAND INFORMATION

Legal Description of Property All/Part 1/4 Section Twp. Rge. West of the Meridian
OR Lot 9 Block 7 Plan No. 7621623 Hamlet or Subdivision Upper Manor Estates
Parcel Size: 1.21 ac Rural Address: 140, Fernwood Crescent(54418 RR251) Sturgeon County T8T 0C7

DEVELOPMENT INFORMATION - Please Mark (X) ALL that Apply

Residential, Commercial, Industrial, Institutional, Accessory Building, Addition, Attached Garage, Site Grading, Deck, Other detached garage, Kennel, RV Storage, Single Family Dwelling, Secondary Dwelling, Dugout, Brief Description: Vacant lot with no existing house (removed), but existing garage (20 year+ old) in rear of property remains present. Property purchased in 2020. RPR was outdated. Development Details: Size: 9.29 x 9.28m Height: ~14 ft, Start Date: unknown, End Date: , Estimated Project Value: existing building (cost of material & labour)

APPLICANT AUTHORIZATION Severed in line with Section 17 of the FOIP Act

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County. I/ G ed person of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal -26. March 3, 2022 March 3, 2022 March 3, 2022

FOR OFFICE USE ONLY

Permitted Use Discretionary Use
Fee\$ 110.00 Penalty\$ 110.00 Receipt# 202201003 Tax Roll# 178004 District R2
Payment Method: Cash / Cheque / Debit / VISA / Mastercard
M/C or Visa Number Expiry Date:
Name (as it appears on card): Authorized Signature:



**Planning and Development**

9613-100 Street  
Morinville, AB T8R 1L9  
Toll Free 1-866-939-9303  
Phone (780)-939-8275  
Fax (780)-939-2076  
Email PandD@sturgeoncounty.ca

<b>For Office Use</b>	
Development Permit:	<u>305305-22-D0048</u>
Date Received:	<u>07 March 2022</u>
Received By:	<u>DC</u>

**VARIANCE REQUEST APPLICATION**

This form is required along with a completed development permit application for a proposed or existing development that requires a variance. All applicable information including the proposed variance shall be shown on the site plan. All variance requests are considered **discretionary** and will be processed as per Sturgeon County's Land Use Bylaw 1385/17.

**VARIANCE DESCRIPTION**

WHAT IS A VARIANCE? A variance means a relaxation to the regulations of the Land Use Bylaw.  
Please indicate what Land Use Bylaw regulation(s) you are seeking to vary. Describe and indicate on the site plan.

Bylaw 1385/17. Upon purchase of property (2020), an accessory building (garage) infringes on setback requirement consisting of a 1.19m variance from rear and 1.07 m from side yard, instead of minimum of 2.5 m.

**JUSTIFICATION**

What is the reason why the regulation cannot be adhered to? What are the unique circumstances of your property that warrants a variance?

Severed in line with Section 17 of the FOIP Act

**MITIGATION**

How have you considered revising the project to **eliminate/reduce** the variance request?

NA - existing building, in good condition located at the rear of the property.

What measures will be applied to **minimize the potential impact** of the proposed variance on adjacent property owners?

**APPLICANT AUTHORIZATION**

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County.  
I/We grant consent for an authorized person of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal Government Act, R.S.A. 2000., c.M-26.

_____ Signature of Authorized Applicant(s)	_____ Date	_____ Signature of Landowner	_____ Date
---	---------------	---------------------------------	---------------

All landowners listed on title must sign this permit or a letter of authorization.  
If the land is titled to a company, a copy of the Corporate Registry must be provided.

_____ Signature of Landowner	_____ Date
---------------------------------	---------------

Fee \$ 250.00      Receipt # 202201003      Paid by: **Cash / Cheque / Debit / VISA / Mastercard**

M/C or Visa Number: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

Name (as it appears on card): \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Land Use Bylaw Section	Requested Variance	Variance Percentage
12.2.4	1.19m	47.6%
	1.07m	42.8%

Land Use District           R2          

Roll#           178004          

Approving Authority as per Section 2.8.6 of the Land Use Bylaw

Development Officer

Municipal Planning Commission

**Notes**

Pursuant to section 6.1.4 except as otherwise provided for in this section, for any district, an accessory building or use is not permitted on a parcel

without a principal building or use being previously developed on the land. The subject garage was constructed in approximately 1988 and the single detached dwelling was built in 1980. Therefore, this regulation was not considered as part of the refusal.

**APPLICATION FEES ARE NON-REFUNDABLE**

The personal information provided will be used to process the Variance application and is collected under the authority of Section 642 of the Municipal Government Act and Section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act. Personal information you provide may be recorded in the minutes of Municipal Planning Commission. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 – 100 Street, Morinville, Alberta, T8R 1L9 (780) 939.4321.

# PLANNING AND DEVELOPMENT SERVICES REPORT

Prepared For: Subdivision & Development Appeal Board  
 Prepared By: Planning & Development  
 Hearing Date: April 5<sup>th</sup>, 2022



FILE INFORMATION:	
Subdivision & Dev. Appeal Board File:	022-STU-004
Development Permit File:	305305-22-D0048
Legal Land Description of Property:	Lot 9; Block 7; Plan 7621623
Relative Location:	Upper Manor Estates
Appellant:	Bressler, David & Atty
Landowner:	Bressler, David & Atty
Description of Appeal:	Appealing the Decision of the Development Authority, Refusal to Leave an Accessory Building (Detached Garage) as Built
Land Use Bylaw District:	R2 – Country Estate Residential District
Tax Roll Number:	178004

**PART I – BACKGROUND:**

1. A compliance certificate application was received on December 21, 2021. A review of the Real Property Report revealed a detached (garage 86.5m<sup>2</sup> in floor area) located 1.31m from the rear property line and 1.43m from the side property line. There was no record of development or building permit found on file.
2. To gain compliance an application to leave the detached garage as built was received on March 7, 2022.

**PART II – PROPERTY INFORMATION:**

1. The parcel is 0.49ha (1.21ac) in area and the only buildings on the property are the detached garage and small gazebo. Assessment records indicate the garage was constructed in 1988.
2. The original dwelling was constructed in 1980 and was since demolished in 2010.

**PART III – RELEVANT POLICY/LEGISLATION:**

Land Use Bylaw 1385/17

**1. SECTION 12.2 R2 – COUNTRY ESTATE RESIDENTIAL DISTRICT DEVELOPMENT REGULATIONS**

Minimum side yard setback	Accessory building	2.5m (8.2ft)
Minimum rear yard setback	Accessory building	2.5m (8.2ft)
Maximum height	Accessory building	8m (26.2ft)
Maximum floor area	Accessory building	140m <sup>2</sup> (1,506.9ft <sup>2</sup> )
Maximum parcel coverage	15%	

## 2. SECTION 2.8 – DECISION PROCESS

The Development Authority may issue a variance in accordance with Table 2.1:

District	Percentage of variance that may be granted by a Development Officer	Percentage of variance that may be granted by the MPC
R2 – Country Estate Residential	0.1 – 19.9%	20.0 – 40%

### PART IV – ANALYSIS:

1. An accessory building means a building or structure that is incidental, subordinate and located on the same parcel as a principal building but does not include a building or structure used for human habitation.
2. Pursuant to Section 6.1.4 of Land Use Bylaw 1385/17, an accessory building or use is not permitted on a parcel without a principal building or use being previously developed on the parcel. Given the garage was built after the single detached dwelling as an accessory building, this regulation not considered as part of the refusal.
3. The accessory building meets the Bylaw regulations with respect to floor area, parcel coverage and height.
4. The accessory building does not meet the Bylaw requirements with respect to the minimum side and rear yard setback. The variances required to leave the structure as built exceed the percentage that may be granted by the Development Authority and therefore the application had to be refused for the following reasons:
  - a) Pursuant to section 12.2.4 of Land Use Bylaw 1385/17 the minimum side yard setback for an accessory building is 2.5m (8.2ft) within the R2 Country Estate Residential District.  
**Actual side yard – 1.43m (4.69ft)**  
**Variance required – 1.07m (3.5ft) or 42.8%**
  - b) Pursuant to section 12.2.4 of Land Use Bylaw 1385/17 the minimum rear yard setback for an accessory building is 2.5m (8.2ft) within the R2 Country Residential District.  
**Actual rear yard – 1.31m (4.30ft)**  
**Variance required – 1.19m (3.9ft) or 47.6%**
  - c) Pursuant to section 2.8.6(b) variances for the districts in excess of what is prescribed shall be refused by the Development Authority. **The maximum variance that may be granted by the Development Authority in the R2 district is 40%.**
5. The accessory building has been on the property since 1988 and no complaints have been received regarding the location of the structure. Photos provided by the applicant confirm the building is in good condition. There are mature trees along the property boundary softening any negative impacts on adjacent properties.

### PART V – CONCLUSION:

1. The application had to be refused by the Development Authority in accordance with sections 12.2.4 of the Bylaw related to the side and rear yard setbacks and section 2.8.6 related to variance powers.

Should the Board choose to approve the existing accessory building, the following conditions are recommended:

1. The existing detached garage (86.5m<sup>2</sup> in floor area) be approved to remain as shown on the Real Property Report dated November 25, 2021, signed by Paul W.K. Chan, Alberta Land Surveyor.  
**Minimum Side Yard Required – 2.5m**                      **Minimum Rear Yard Required – 2.5m**  
**Approved Side Yard Setback – 1.43m**                      **Approved Rear Yard Setback – 1.31m**  
**Variance Granted – 1.07m or 42.8%**                      **Variance Granted – 1.19m or 47.6%**
2. A separate building permit shall be obtained and approved.
3. The accessory building shall not be used for purposes related to the operation of any commercial business and shall be for personal use only.
4. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. If the drainage of this development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.

**Advisory Notes:**

1. The building permit fee is subject to double fee penalty.

Prepared by:   
**Carla Williams, Development Officer**

Reviewed by: **Tyler McNab** Digitally signed by Tyler McNab  
Date: 2022.03.18 09:22:10 -06'00'  
**Tyler McNab, Program Lead Development and Safety Codes**





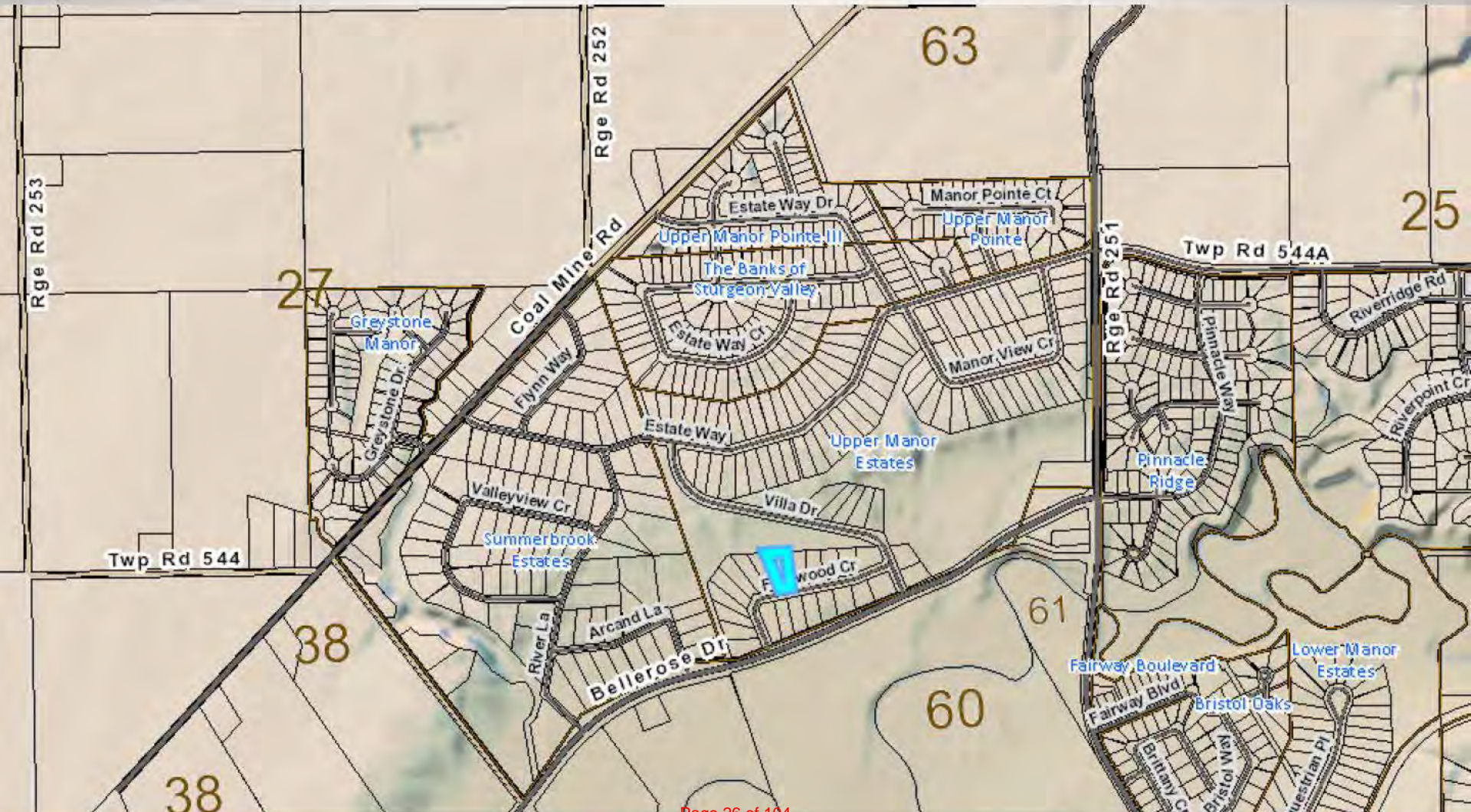
# Subdivision & Development Appeal Board

**Hearing Date:** April 5<sup>th</sup>, 2022

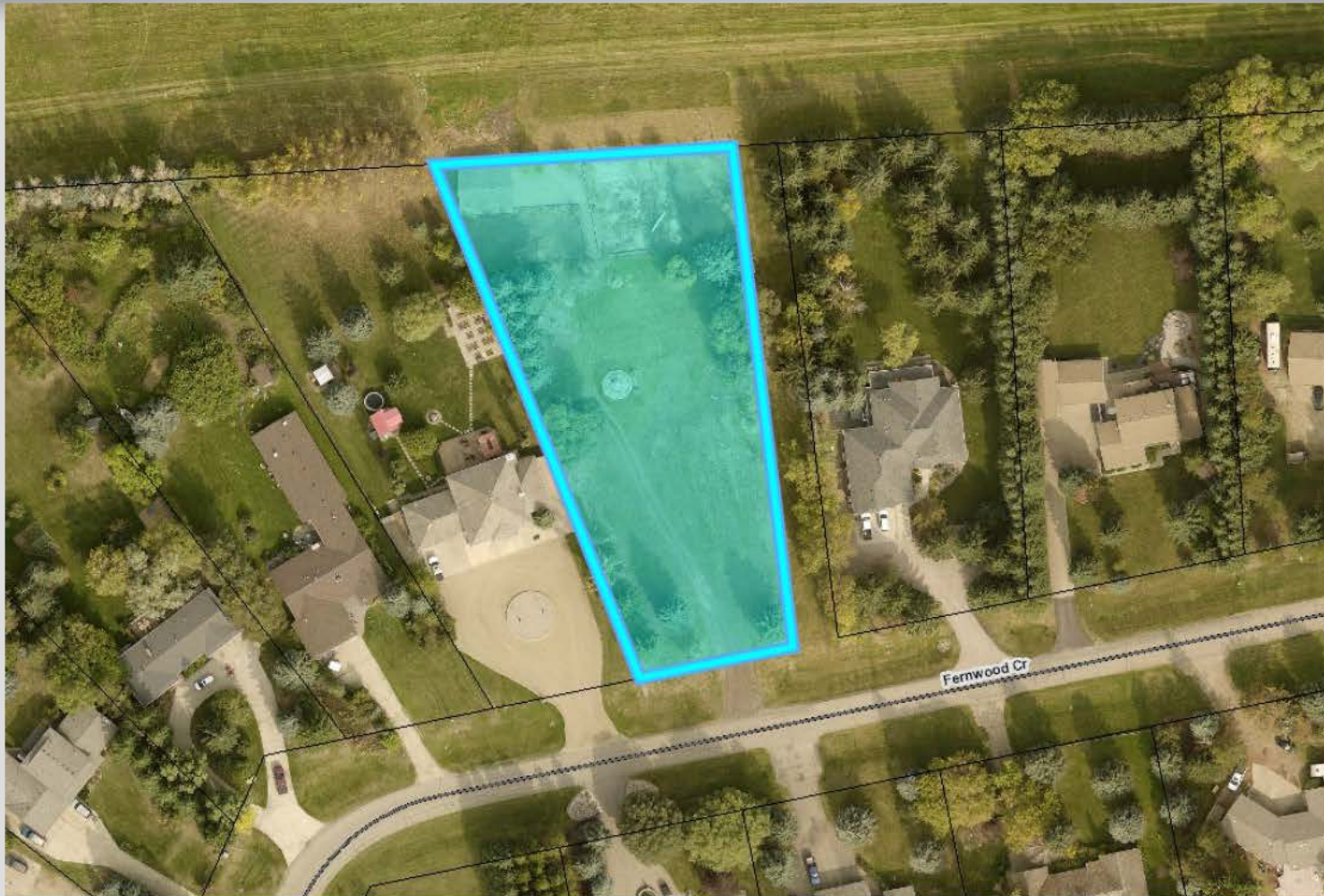
**Regarding:** SDAB File No. 022-STU-004

**Presented by:** Carla Williams, Development Officer

# Site Location (Local Context)

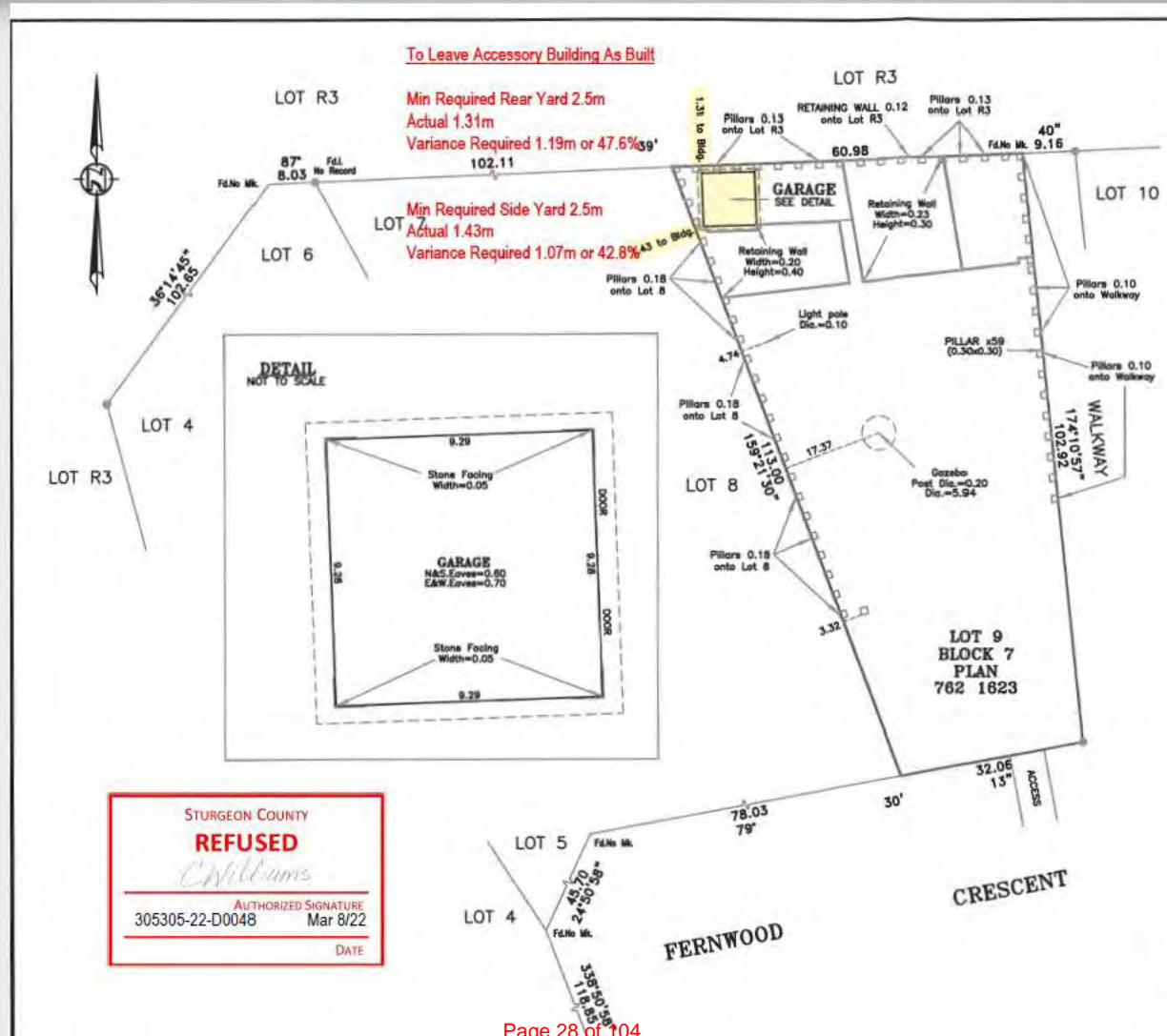


# Site Location (Immediate Context)



**R2 – Country Estate Residential District**  
Page 27 of 104  
**1.21ac parcel**

# Background



# Background



# Summary of Relevant Regulation

## Land Use Bylaw 1385/17

### Section 12.2.4 R2 Country Estate Residential District

#### Minimum Side and Rear Yard Setback is 2.5m

- Actual Side Yard – 1.43m Variance Required – 1.07m or 42.8%
- Actual Rear Yard – 1.31m Variance Required - 1.19m or 47.6%

#### Maximum Floor Area 140m<sup>2</sup> (1,506.9ft<sup>2</sup>)

- Existing Detached Garage 86m<sup>2</sup> (929ft<sup>2</sup>)

### Section 2.8.6(b) Variances Development Authority May Grant

- R2 District – maximum 40%

# Analysis



# Conclusion

1. The existing detached garage (86.5m<sup>2</sup> in floor area) be approved to remain as shown on the Real Property Report dated November 25, 2021, signed by Paul W. K. Chan, Alberta Land Surveyor.

**Minimum Side Yard Required - 2.5m**

**Approved Side Yard Setback – 1.43m**

**Variance Granted – 1.07m or 42.8%**

**Minimum Rear Yard Required – 2.5m**

**Approved Rear Yard Setback – 1.31m**

**Variance Granted – 1.19m or 47.6%**

2. A separate building permit shall be obtained and approved.
3. The accessory building shall not be used as a dwelling.
4. The accessory building shall not be used for purposes related to the operation of any commercial business and shall be used for personal use only.
5. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. If the drainage of this development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.

## ***Advisory Notes:***

1. The building permit fee is subject to double fee penalty.



**APPELLANT  
SUBMISSIONS  
RECEIVED**



**Sturgeon County  
Subdivision and Development Appeal Board Hearing  
SDAB File Number 022-STU-004**

**Re: 140 Fernwood Crescent  
Plan 7621623; Block 7; Lot 9**

**Presented by Dr. David Bressler  
April 5, 2022, 2:00 pm**

Submitted for review to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) on 29 March 2022



# Site History:

Property purchased June 2020

Property on market on/off for several years.  
Purchased after 160+ days in 2020

1.21 Acres

Residential house removed (~2011)  
Lot has been vacant for 10+ yrs

Property upgrades: removal of dead trees,  
planting of new (10+ trees), noxious weed  
removal, grass seeding

**Purpose:**  
build a new house (2637 sq. ft main level)

**Location: 140 Fernwood Crescent  
Upper Manor Estates  
Plan 7621623; Block 7; Lot 9**



## Location

140 Fernwood Crescent, Sturgeon County  
Plan 7621623; Block 7; Lot 9

- Last remaining lot without residence



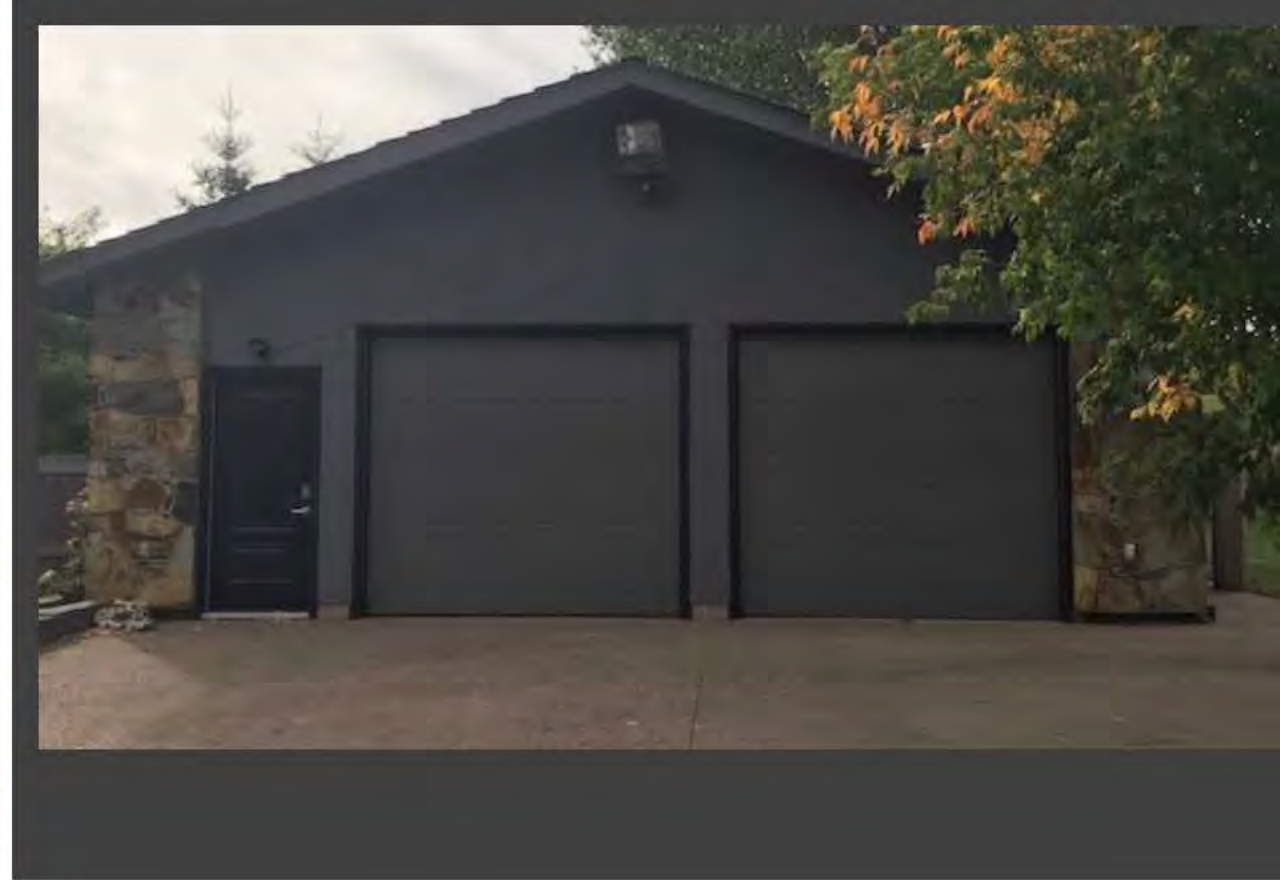
## Current Status of Garage

Existing garage present in northwest corner of lot (9.29 m x 9.28 m)

Garage is serviced with electricity and gas (currently disconnected)

Building is insured

West residents no complaint re garage presence and proximity



# Garage is stable and secure

New doors 2021, new paint 2020/2021 , large concrete pad in front

## Wood Shingles



## Stable Stone Décor and Concrete Slabs



# Pursuant to Section 12.2.4 of Land Use Bylaw 1385/17 min setback of 2.5 m rear/side

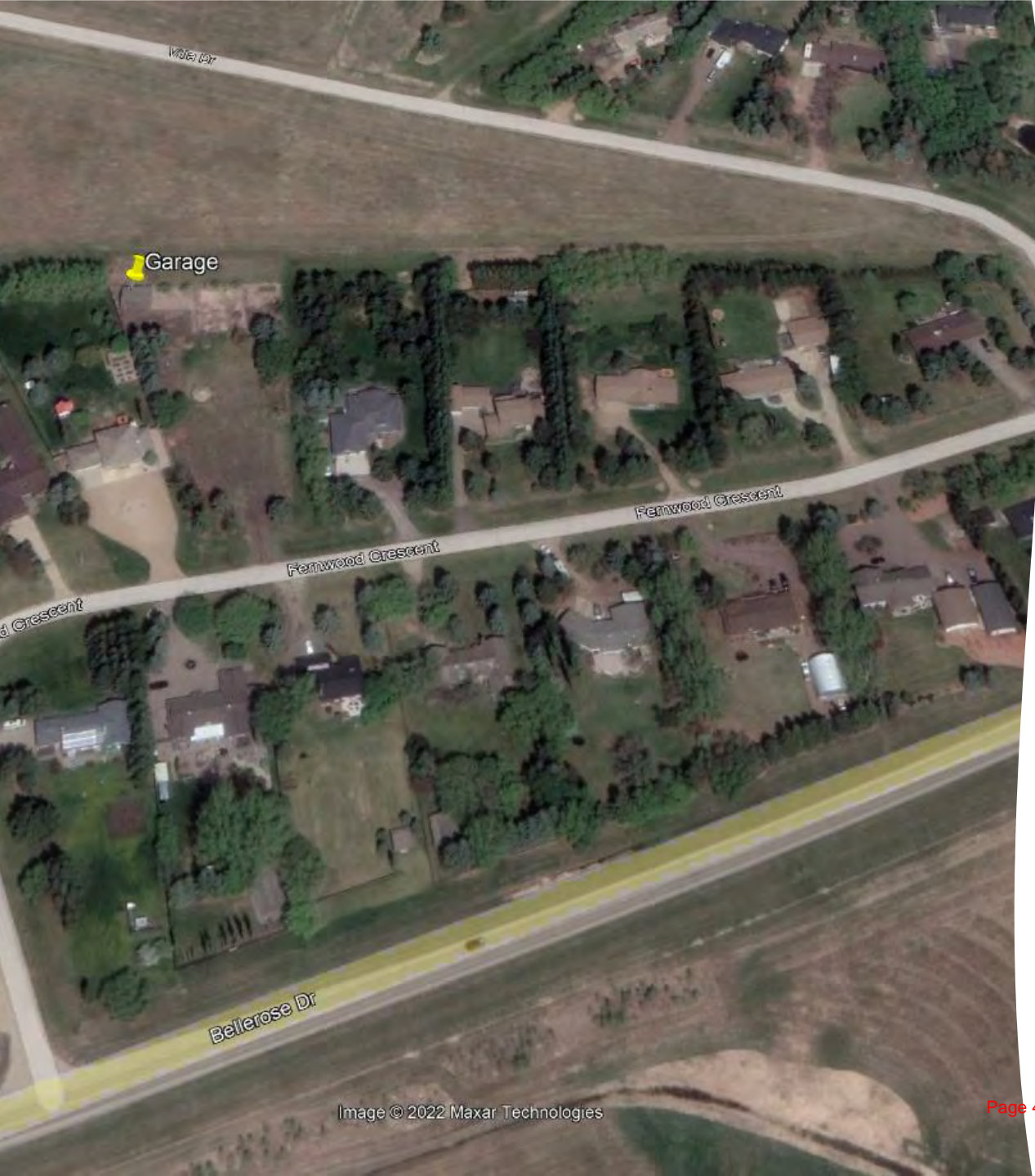


Component	Rear (m)	Side (m)
Setback Required	2.50	2.50 (=angle)
Actual Setback	1.31	1.43
<b>Difference</b>	<b>1.19</b>	<b>1.07</b>



Component	Rear (m)	Side (m)
% Variance Permitted	40.0%	40.0%
Actual % Variance	47.6%	42.8%
<b>Difference</b>	<b>7.6%</b>	<b>2.8%</b>





# Reason for Appeal to Leave Garage in Place

- No nearby public infrastructure
- No impedance to future infrastructure development anticipated
- No nearby buildings (>45 m from nearest residential building)
- No nearby sensitive environmental features (waterbodies, wetlands, parks, other public spaces)
- No drainage impedance
- No slope instability concerns
- No sight restrictions from neighbors (located at rear of property)
- Building is stable and in good condition
- New house to match garage colors to conform with aesthetics of entire property
- Garage will increase property value (incl. taxes)

# Thank you

Questions

**ADJACENT  
LANDOWNER  
WRITTEN  
RESPONSES**

**From:** [Ross Hodgins](#)  
**To:** [Legislative Services](#)  
**Cc:** [Jean Hodgins](#)  
**Subject:** SDAB File # 022-STU-004  
**Date:** March 23, 2022 6:38:14 PM

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Hello Dianne,

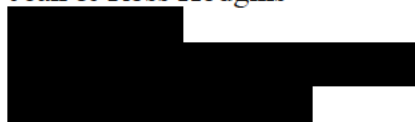
We are the landowners adjacent to the subject property. We are located at the municipal address of 138 Fernwood Crescent, Sturgeon County. AB T8T 0C7. Jean and Ross Hodgins

With regards to the proposed development on the subject property or Plan 7621623; Block 7; Lot 9 , we have **no objection** to having the accessory building as-built (detached garage) remain where it is located with a variance to the side and rear yard setback.

Feel welcome to contact us if you have any further questions.

Contact Details

Jean & Ross Hodgins



Severed in line with Section 17 of the FOIP Act

Cheers

Jean & Ross

# Appeal #2

022-STU-005 Appealing the  
Development Authority's refusal  
to leave 3 accessory buildings as  
built (shed/workshop, shed and 3-  
sided sun porch)

<b>Site Information:</b>	<b>STURGEON COUNTY</b>
Municipal Address of site: <i>LOT 8 BLOCK 3 PLAN 4694 MC</i>	
Legal land description of site: <i>PINE SANDS</i> (plan, block, lot' and/or range-township-section-quarter) <i>30B 53230 ACER RD 10 30B BIRCH ST.</i>	
Development Permit number or Subdivision Application number: <i>305305-22-D0030</i>	
Date Received Stamp	
<b>Appellant Information:</b>	
Severed in line with Section 17 of the FOIP Act	
Name: <i>EMILE + LOUISE ROYER</i>	Phone: _____ Agent Name: (if applicable)
Mailing Address:	City, Province:
Postal Code:	Email:

**APPEAL AGAINST** (Check ONE Box Only) for multiple appeals you must submit another Notice of Appeal

<b>Development Permit</b>	<b>Subdivision Application</b>
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval
<input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Refusal
<b>Stop Order</b>	
<input type="checkbox"/> Stop Order	

**REASON(S) FOR APPEAL** Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons

*SEE ATTACHED LETTER OF APPEAL*

*SCHEDULE "A"*

Severed in line with Section 17 of the FOIP Act (Attach a separate page if required)

The personal information collected will be used to process your request for a hearing before the Subdivision and Development Appeal Board and is collected under the authority of the Municipal Government Act (MGA) and the Access to Information Act (ATIA) / Section 19 of the Privacy Act (FOIP). Your information will form part of a file available to the public. If you have any questions about the collection of your information, please contact the Sturgeon County FOIP Coordinator at 9613-100 Street, Morinville, Alberta, T8R 1L9 (780) 939-4321.

<b>Signature of Appellant</b>	Date: <i>March 3/22</i>
<b>FOR OFFICE USE ONLY</b>	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD

## Schedule "A" to Notice of Appeal

### Reasons for Appeal:

1. We purchased the property, upon which the accessory buildings that are the subject of this appeal are located, in 2004.
2. Most of the buildings already existed on the property when we bought it, including the shower room building. We did add on to the existing building #1.
3. At the time of purchase, we were not informed by the sellers nor were we aware in any capacity that the existing buildings on the lot did not have permits. In those days, these properties were simply lake properties for weekend getaways and there was no control from the county, so permits were rarely requested or issued, and bylaws did not exist.
4. The construction of the sun porch, which is a covered deck, was contracted out. The contractor assured us he had a permit. However, the deck cover is not a complete structure as it only has 3 sides and therefore not an accessory building requiring a permit. It would be open on one side if we were to move the RV that it is currently located next to.
5. In addition, at the time of the purchase of the property, there was a lake adjacent to the property. At the time, the lakeside constituted the front property line and the roadside was at the rear property line. This lake has significantly receded and is longer adjacent to the property, which has caused these sides to reverse so that the roadside is at the front property line and the lakeside is at the rear property line.
6. When the subject buildings were built, the buildings were set the appropriate distance from the front property line, as it then existed.
7. The lot that our property is located on and the other lots in the area are very small in width. We have knowledge that the house next door to our property was granted many variances to accommodate such a big house on such a small lot.
8. A 60' <sup>LESS</sup> 16' property does not leave us with much real estate. Almost all the lots in our area have sheds, garages, or mobile homes that are sitting on the property lines.
9. Our lot is beautiful in the summer with an abundance of flowers, trees, and birds. We get complimented all the time. Emile spent many summers painting and turning the buildings into a western theme. We even had a bride and groom take their wedding pictures in front of his handy work. It would be an absolute shame and completely unjust to remove this.
10. Therefore, we respectfully request that you grant our appeal and approve our application to leave the 3 existing accessory buildings as built.



**Sturgeon County**  
 9613-100 St (780) 939-4321  
 Morinville, Alberta T8R-1L9  
 (780) 939-4321 ext.

ROYER, E AND L

Receipt Number: 202201048  
 GST Number: 107747412RT0001  
 Date: 2022-03-09  
 Initials: CS

Severed in line with Section 17 of the FOIP Act

Account	Description	Prev Bal	Payment	Balance
16APP	APPEAL FEES - LEGISLATIVE SI		\$100.00	
			Subtotal: \$100.00	
			Taxes: \$0.00	
			Total Receipt: \$100.00	Cheque No.
			Cheque: \$100.00	019
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	



March 16, 2022

SDAB File Number: 022-STU-005

Dear Emile and Louise Royer:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property:	Plan 4694MC; Block 3; Lot 8 – Pine Sands
Decision Regarding Proposed Development:	To leave 3 accessory buildings as built (shed/workshop, shed and 3-sided sun porch)

---

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on March 9, 2022. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **April 5, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 413 876 493#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than March 31, 2022.

SDAB hearings are public in nature, and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website.

Should you require further information, call (780) 939-8277 or email [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

Dianne Mason  
Secretary, Subdivision and Development Appeal Board

March 16, 2022

SDAB File Number: 022-STU-005

Dear Resident:

**NOTICE OF  
APPEAL BOARD HEARING**

Take notice that a hearing has been scheduled concerning the following proposed development:

Legal Description of Subject Property:	Plan 4694MC; Block 3; Lot 8 – Pine Sands
Decision Regarding Proposed Development:	To leave 3 accessory buildings as built (shed/workshop, shed and 3-sided sun porch)

**Applicant: Emile and Louise Royer**

Reasons for Appeal (as identified on the Notice of Appeal):

- When the property was purchased, the buildings were already in place and the Appellants were unaware that permits did not exist.
- The sun porch is not a complete structure as it is open on one side and is therefore not an accessory building requiring a permit.
- When the accessory buildings were constructed, they were set the appropriate distance from the front property line as it existed then.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **April 5, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 413 876 493#. This should connect you directly into the hearing.

**Why am I receiving this information?**

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date and must include your current email address. Therefore, written submissions are due to be submitted no later than March 31, 2022.

SDAB hearings are public in nature and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website.

For further information, please call (780) 939-8277 or by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

Dianne Mason  
Secretary, Subdivision and Development Appeal Board

*The personal information provided is collected under the authority of Section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act and Division 10 of the Municipal Government Act. The information will be used as part of your written brief and may be recorded in the minutes of the Subdivision Development Appeal Board, or otherwise made public pursuant to the provisions of the Freedom of Information and Protection of Privacy (FOIP) Act, including Section 40 therein. If you have any questions about the collection and use of this information, please contact the Sturgeon County FOIP Coordinator at 9613 - 100 Street, Morinville, Alberta, T8R 1L9 (780) 939.4321.*

# 308 55230 RR 10 or 308 Birch St

Land location

17-Feb-2022



Information on this map is provided solely for the user's information and, while thought to be accurate, is provided strictly "as is" and without warranty of any kind.

NAD\_1983\_10TM\_AEP\_Resource  
© Sturgeon County

Prepared By: \_\_\_\_\_  
Page 52 of 104



## **Subdivision and Development Appeal Hearing Process**

The hearing is a formal meeting and the length of time can vary. Hearings are generally scheduled Tuesday afternoons at the Sturgeon County Centre in the Town of Morinville or via videoconference.

Persons who file an appeal are expected to make a verbal presentation to the Board. Persons who have been notified of the appeal also have the right to present a verbal, written and/or visual presentation to the Board. ***This information should be submitted to the Secretary at least five (5) days in advance of the hearing, so it can be included within the hearing package.*** If desired, parties may have someone, or an agent, speak on their behalf. If a number of appeals are filed on the same subdivision or development, it is recommended that a spokesperson be selected to organize presentations so that evidence is not repetitive.

The Board is not an evidence seeking body. It relies on the written evidence presented, as well as verbal submissions at the hearing, as the basis for their decision. Therefore, it is critical that persons appearing before the Board ensure that sufficient evidence is presented to support their respective positions.

When presenting an appeal, keep in mind the Board does not consider precedent when making its decision. Each application is judged on its own merits.

### **At the hearing . . .**

Anyone in attendance with an interest in the appeal enters the hearing room, joins the videoconference, or dials in just before the scheduled start time of the hearing on the scheduled date of the hearing.

1. The meeting is called to order by the Chair.
2. The Chair welcomes everyone and gives a brief outline as to how the hearing will proceed.
3. The Chair will have all board members, staff and people involved in the appeal introduce themselves and those present are asked if there are any objections to the Board members hearing the appeal.

4. A representative of Sturgeon County Planning and Development will outline the background of the appeal and why the decision was made.
5. The Chairman will then ask:
  - The Appellant to introduce themselves for the record.
  - The Appellant then presents his/her position or concerns with respect to the matter being considered by the Board. Development Appeal Board members question the Appellant.
  - Clearly state your reasons for the appeal.  
**Information such as photographs, illustrative materials and well-prepared drawings that you wish to present should be submitted to the Secretary at least five (5) days in advance of the hearing, so that the information can be included within the hearing package that is circulated.**
  - Stick to the planning facts and support them with quantifiable (measurable) data.
  - State the detailed issues about the site in the context of the surrounding properties and the impact on the community.
  - The Board will then hear from anyone else in favor of the appeal (persons who filed an appeal or support the position of the Appellant). Following each presentation Board members may ask questions.
  - The Board will then hear from anyone opposed to the appeal (persons who oppose the position of the Appellant).
6. After all presentations have been heard, the Chairman will give the Appellants the right to respond to new information. This is an opportunity to refute information and evidence presented since the last time you spoke that you could not have reasonably anticipated. It is not an opportunity to reargue your case or create new argument.
7. The Chairman advises that the Board will deliberate in a Closed Session and a written decision will be mailed within 15 days from the date of the decision as per legislation.



Planning and Development  
9613-100 Street  
Morinville, AB T8R 1L9  
Phone (780) 939-8275  
Fax (780) 939-2076  
Email: [PandD@sturgeoncounty.ca](mailto:PandD@sturgeoncounty.ca)

## Notification of Decision Letter

---

Date: Feb 16, 2022

Permit Number: 305305-22-D0030

To: Rover. Emile & Louise

Severed in line with Section 17 of the FOIP Act

Re: Decision of the Development Officer

Please be advised that development permit #305305-22-D0030 To Leave 3 Accessory Buildings as Built (Shed/Workshop 228ft<sup>2</sup>, Shed 136ft<sup>2</sup>, 3-Sided Sun Porch 340ft<sup>2</sup> in floor area) was REFUSED on Feb 16, 2022.

This decision may be appealed to the Subdivision and Development Appeal Board within 21 days after the date on which a person qualified to appeal is notified. Appeal Board information can be found at the bottom of the permit.

If you have any questions regarding the development permit, please contact the undersigned at (780)939-8275 or toll free at 1-866-939-9303.

Regards,

A handwritten signature in cursive script that reads "C. Williams".

Carla Williams  
Development Officer



**Development Permit**

**Land Use Bylaw 1385/17**

Permit No.:	305305-22-D0030
Tax Roll No.:	4862000
Decision Date:	Feb 16, 2022
Effective Date:	Mar 9, 2022

Severed in line with Section 17 of the FOIP Act

**Applicant**

Name: Royer, Emile & Louise  
Address:

**Owner**

Name: Royer, Emile & Louise  
Address:

Phone:  
Cell:  
Fax:  
Email:

Phone:  
Cell:  
Fax:  
Email:

**Property Description**

**Legal Land Description:** Lot 8; Block 3; Plan 4694MC Pine Sands  
**Land Use Description:** R3 Hamlet Unserviced District  
**Rural Address:** 308 55230 RGE RD 10  
308 Birch Street

**Description of Work**

To Leave 3 Accessory Buildings as Built (Shed/Workshop 228ft<sup>2</sup>, Shed 136ft<sup>2</sup>, 3-Sided Sun Porch 340ft<sup>2</sup> in floor area)

**Fees**

Accessory Building Discretionary Use / Variance Request \$110.00

The application to leave three (3) existing accessory buildings as built is REFUSED for the following reasons:

1. Pursuant to section 6.1.4 of Land Use Bylaw 1385/17 for any district, an accessory building or use is not permitted on a parcel without a principal building or use being previously developed on the parcel. Principal use means the primary purpose for which a building, development area or parcel is used in the opinion of the Development Authority. The land is used for recreation purposes. A recreation vehicle is not a single detached dwelling, a principal use within the R3 district, and therefore the three (3) existing accessory buildings are deemed to be refused.
2. Pursuant to section 12.3.4 of Land Use Bylaw 1385/17 the minimum front yard setback for an accessory building is 5.5m (18ft) within the R3 – Hamlet Unserviced District. The front yard means a yard extending across the full width of a parcel from the front parcel line to the front wall of the main building situated on the parcel. The shed/workshop (228ft<sup>2</sup> in floor area) is located 2.74m (9ft) from the front property line.

**Minimum front yard – 5.5m (18ft)**  
**Actual front yard – 2.74m (9ft)**  
**Variance requested – 2.76m or 50%**



3. Pursuant to section 12.3.4 of Land Use Bylaw 1385/17 the minimum side yard setback for an accessory building is 2.5m (8.2ft) within the R3 – Hamlet Unserviced District. The shed/workshop (228ft<sup>2</sup>) is located 1.17m (3.8ft) from the side property line.

**Minimum side yard – 2.5m (8.2ft)**  
**Actual side yard – 1.17m (3.8ft)**  
**Variance requested – 1.33m or 53%**

4. Pursuant to section 12.3.4 of Land Use Bylaw 1385/17 the minimum side yard setback for an accessory building is 2.5m (8.2ft) within the R3 – Hamlet Unserviced District. The shed (136ft<sup>2</sup> in floor area) is located 1.5m (5ft) from the side property line.

**Minimum side yard – 2.5m (8.2ft)**  
**Actual side yard – 1.5m (5ft)**  
**Variance requested – 1m or 40%**

5. Pursuant to section 2.8.6(b) variances for the districts in excess of what is prescribed shall be refused by the Development Authority. **The maximum variance that may be granted by the Development Authority in the R3 district is 40%.**

If you have any questions or concerns about your application or any conditions listed above, please contact the Current Planning and Development Department at 780-939-8275.

**Issued By:**



Carla Williams  
Development Officer

**Municipality**

Sturgeon County  
9613 – 100 Street Morinville, AB T8R 1L9  
Phone: (780) 939-8275  
Fax: (780) 939-2076  
Toll Free: 1-866-939-9303

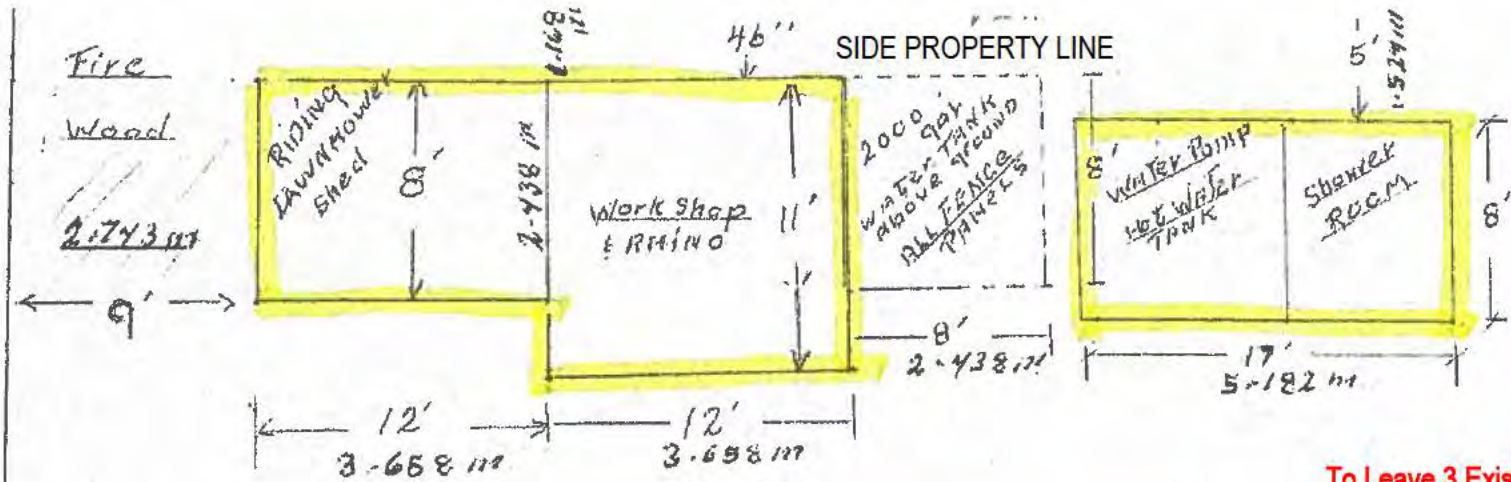
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**Appeal Information**

Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. If you wish to appeal this decision, please choose the correct appeal body having jurisdiction.

If the application is the subject of a license, permit, approval, or other authorization granted by the Minister of Environment and Parks or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act, or granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission - Appeals shall be filed with the Land and Property Rights Tribunal at [lp.rta.appeals@gov.ab.ca](mailto:lp.rta.appeals@gov.ab.ca) or by mail to 2nd Floor, Summerside Business Center, 1229 91 Street SW, Edmonton, AB, T6X 1E9. Telephone enquiries can be made to 780-427-2444.

All others appeals not subject to the above can be filed with the Secretary of the Subdivision and Development Appeal Board via email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made at 780-939-4321



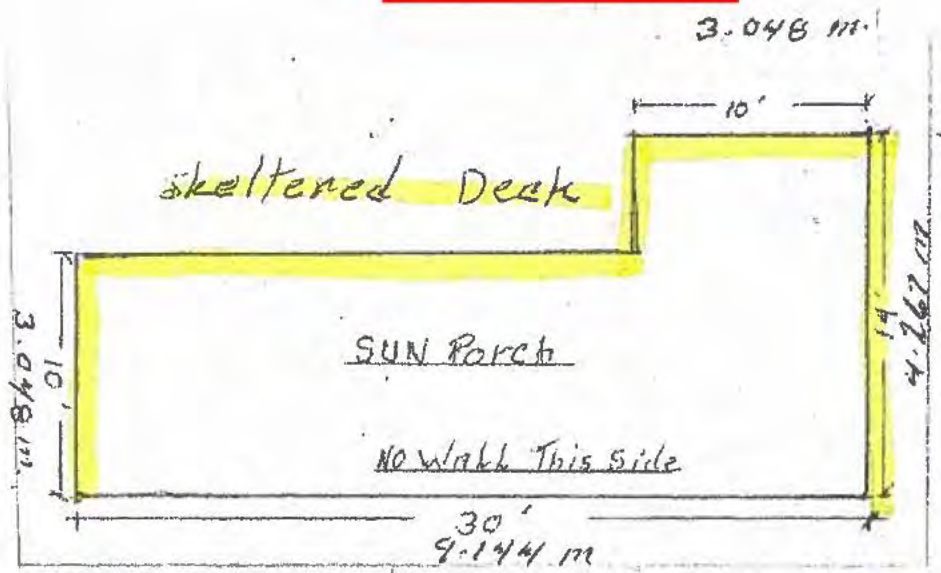
To Leave 3 Existing Accessory Buildings As Built

STURGEON COUNTY  
**REFUSED**  
*Williams*  
AUTHORIZED SIGNATURE  
305305-22-D0030  
Feb 16/22 DATE

FRONT PROPERTY LINE

REAR PROPERTY LINE  
(Lake side)

BACK FENCE  
LOT #8 Block 3



14' 30' RV

SIDE PROPERTY LINE

1.743 m  
18.288 m



**Planning and Development**  
 9613-100 Street  
 Morinville, AB T8R  
 119 Phone (780) 939-8275  
 Fax (780) 939-2076  
 Email: PandD@sturgeoncounty.ca

<b>For Office Use</b>	
Permit Number:	305305-22-D0030
Date Received:	February 10/22
Received By:	JP

**DEVELOPMENT PERMIT APPLICATION**

Application is hereby made under the provisions of Land Use Bylaw 1385/17 to develop in accordance with the plans and supporting information submitted herewith and which form part of this application.

**APPLICANT INFORMATION**

**Complete if different from Applicant**

Name of Applicant: <u>Emile &amp; Louise Royak</u>		Name of Registered Land Owner: <u>Severed in line with Section 17 of the FOIP Act</u>	
Mailing Address:		Mailing Address:	
City:		City:	
Postal Code:	PH:	Postal Code:	PH:
E-mail Address:		Email Address:	

Contact Name: \_\_\_\_\_

**LAND INFORMATION**

Legal Description of Property All/Part \_\_\_\_\_ 1/4 Section \_\_\_\_\_ Twp. 55 Rge. 10 West of the 5<sup>th</sup> Meridian  
 OR Lot 8 Block 3 Plan No. 4694 MC Hamlet or Subdivision PINE SANDS  
 Parcel Size: 0.29 ACRES Parcel Address: 308 Birch Street

**DEVELOPMENT INFORMATION - Please Mark (X) ALL that Apply**

<input type="checkbox"/> Residential	<input type="checkbox"/> Accessory Building	<input type="checkbox"/> Kennel	Brief Description: <u>To Leave Accessory Buildings</u> <u>As Built</u>	Development Details: Size: _____ Height: _____ Start Date: _____ End Date: _____ Estimated Project Value: (cost of material & labour)
<input type="checkbox"/> Commercial	<input type="checkbox"/> Addition	<input type="checkbox"/> RV Storage		
<input type="checkbox"/> Industrial	<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Single Family Dwelling		
<input type="checkbox"/> Institutional	<input type="checkbox"/> Site Grading	<input type="checkbox"/> Secondary Dwelling		
	<input type="checkbox"/> Deck	<input type="checkbox"/> Dugout		
	<input type="checkbox"/> Other <u>LAKE LOT</u>			

**APPLICANT AUTHORIZATION**

Severed in line with Section 17 of the FOIP Act

I/we hereby give my/our authorization to apply for this development permit application on the above land and/or building(s) with respect to this application only. I/we understand and agree that the information provided pursuant to this application or any information thereto, is not confidential information. I/we grant consent for an authorized person of Sturgeon County to communicate this information to the Government Act, R.S.A. 2000., c.M-26.

Signature of Authorized Applicant(s) \_\_\_\_\_ Date \_\_\_\_\_

All landowners listed on title must sign this permit or a letter of authorization. \_\_\_\_\_  
 If the land is titled to a company, a copy of the Corporate Registry must be provided. \_\_\_\_\_

I/we hereby give my/our authorization to apply for this development permit application on the above land and/or building(s) with respect to this application only. I/we understand and agree that the information provided pursuant to this application or any information thereto, is not confidential information. I/we grant consent for an authorized person of Sturgeon County to communicate this information to the Government Act, R.S.A. 2000., c.M-26.

Signature \_\_\_\_\_ Date Feb 10/22

Signature \_\_\_\_\_ Date Feb 10/22

**FOR OFFICE USE ONLY**

Permitted Use  Discretionary Use

Fee\$ 110 Penalty\$ 110 Receipt# 202200687 Tax Roll# 4862000 District R3

Payment Method: Cash / Cheque / Debit / VISA / Mastercard

M/C or Visa Number \_\_\_\_\_ Expiry Date \_\_\_\_\_

Name (as it appears on card) \_\_\_\_\_ Authorized Signatures: \_\_\_\_\_

# PLANNING AND DEVELOPMENT SERVICES REPORT

Prepared For: Subdivision & Development Appeal Board  
 Prepared By: Planning & Development  
 Hearing Date: April 5<sup>th</sup>, 2022



FILE INFORMATION:	
Subdivision & Dev. Appeal Board File:	022-STU-005
Development Permit File:	305305-22-D0030
Legal Land Description of Property:	Lot 8; Block 3, Plan 4694MC
Relative Location:	Pine Sands
Appellant:	Royer, Emile & Louise
Landowner:	Royer, Emile & Louise
Description of Appeal:	Appealing the Decision of the Development Authority, Refusal to Leave 3 Accessory Buildings as Built
Land Use Bylaw District:	R3 – Hamlet Unserviced District
Tax Roll Number:	4862000

**PART I – BACKGROUND:**

1. In October 2021, Planning & Development received a concern regarding existing accessory buildings on the subject parcel. The concern was related to whether the structures had approval and if the structures met the minimum required setbacks.
2. No development or building permit approvals were found on file related to the accessory buildings and a letter of inquiry was sent to the landowner.
3. A site inspection conducted on November 29, 2021, by the Development Officer confirmed the existing buildings.
4. On February 10, 2022, the landowner submitted an application to leave a shed/workshop, shed (water pump/shower room) and sun porch as built.

**PART II – PROPERTY INFORMATION:**

1. The parcel is 0.12ha (0.29ac) in area and is lakeside to Sandy Lake. The parcel is used seasonally as a “lake lot” for recreational purposes. There is no dwelling on the parcel only the existing accessory buildings and two recreational vehicles.
2. Assessment records note a screen sunroom built in 2012 and a shed (8ft x 14ft) built in 1980.
3. It may interest the Board there was an Area Structure Plan for Sandy Lake (Bylaw 388/81) adopted in the 1980’s which was later rescinded. Within the ASP, “development” was defined as *visual settlement on a given lot, which includes weekend trailers, outdoor privies, tool sheds, seasonal or permanent buildings and structures, or other visual indicators that in the opinion of the Municipality, constitute seasonal or permanent use of the lot.* Aerial photos reveal a number of the parcels appear to have a recreational vehicle and small accessory building.

**PART III – RELEVANT POLICY/LEGISLATION:**

Land Use Bylaw 1385/17

1. Section 6.1.4 Accessory Use, Accessory Building states except as otherwise provided for in this section, for any district, an accessory building or use is not permitted on a parcel without a principal building or use being previously developed on the parcel.
2. Section 12.3.4 R3 Hamlet Unserviced District Development Regulations for Accessory Buildings

- **Minimum front yard setback – 5.5m (18ft)**
  - **Minimum side and rear yard setback – 2.5m (8.2ft)**
  - Maximum height – 6m (19.7ft)
  - Maximum floor area – 140m<sup>2</sup> (1,506.9ft<sup>2</sup>)
  - Maximum parcel coverage – 35%
3. Section 2.8 Decision Process
- **R3 District – the Development Authority may issue a variance up to 40%.**

**PART IV – ANALYSIS:**

1. An accessory building means a building or structure that is incidental, subordinate and located on the same parcel as a principal building but does not include a building or structure used for human habitation.
2. Pursuant to section 6.1.4 of Land Use Bylaw 1385/17 for any district, an accessory building or use is not permitted on a parcel without a principal building or use being previously developed on the parcel. Principal use means the primary purpose for which a building, development area or parcel is used in the opinion of the Development Authority. The landowner confirmed the property is seasonally used for recreational purposes, in line with “development” as defined in the old ASP. However, a recreation vehicle is not a single detached dwelling, nor a principal use within the R3 district, and therefore the three (3) existing accessory buildings were refused.
3. The sunporch or enclosed deck is over 10m<sup>2</sup> in area and requires permit approval. It is only three-sided as it is butted up against the fifth wheel recreation vehicle (RV). Our Safety Codes Officer confirmed that a building permit can be approved for this structure as it is not physically attached to the RV.
4. The applicant mentioned the property was purchased in 2004 and the front shed (riding lawnmower shed) and shower room building were already existing. A building under 10m<sup>2</sup> in floor area would not have required development or building permit approval. It should be noted that at the time the original buildings were placed on the parcel the minimum side yard setback was 1.5m or 5 feet.
5. The workshop area was constructed as an addition to the front shed. As part of the construction a western themed facade was assembled along the front of the buildings. This facade makes the buildings appear as one long structure.
6. The existing accessory buildings meet the Bylaw regulations with respect to floor area, parcel coverage and height. However, the shed/workshop and shower building do not meet the yard setback requirements and had to be refused as per the following:

- a) Pursuant to section 12.3.4 of Land Use Bylaw 1385/17 the minimum front yard setback for an accessory building is 5.5m (18ft) within the R3 District. The front yard means a yard extending across the full width of a parcel from the front parcel line to the front wall of the main building situated on the parcel. The shed/workshop (228ft<sup>2</sup> in floor area) is located 2.74m (9ft) from the front property line.

<b>Minimum front yard</b>	<b>5.5m (18ft)</b>
<b>Actual front yard</b>	<b>2.74m (9ft)</b>
<b>Variance required</b>	<b>2.76m or 50%</b>

- b) Pursuant to section 12.3.4 of Land Use Bylaw 1385/17 the minimum side yard setback for an accessory building is 2.5m (8.2ft) within the R3 District. The shed/workshop (228ft<sup>2</sup>) is located 1.17m (3.8ft) from the side property line.

<b>Minimum side yard</b>	<b>2.5m (8.2ft)</b>
<b>Actual side yard</b>	<b>1.17m (3.8ft)</b>
<b>Variance required</b>	<b>1.33m or 53%</b>

- c) Pursuant to section 12.3.4 of Land Use Bylaw 1385/17 the minimum side yard setback for an accessory building is 2.5m (8.2ft) within the R3 District. The shed (136ft<sup>2</sup> in floor area) is located 1.5m (5ft) from the side property line.

<b>Minimum side yard</b>	<b>2.5m (8.2ft)</b>
<b>Actual side yard</b>	<b>1.5m (5ft)</b>
<b>Variance required</b>	<b>1m or 40%</b>

- d) Pursuant to section 2.8.6(b) variances for the districts in excess of what is prescribed shall be refused by the Development Authority. **The maximum variance that may be granted by the Development Authority in the R3 district is 40%.**
7. The property is lakeside and landowners may consider the “front” yard to be adjacent to the lake and the rear yard to be the access from the road. The R3 district does not specifically mention that Pine Sands is to be interpreted differently than the other hamlets and therefore the front yard would be the access off Birch Street.
8. The minimum side and rear yard setback requirements were changed in the Land Use Bylaw from 1.5m to 2.5m in 2015 to align with fire separation limiting distance standards within the Building Code.

### **PART V – CONCLUSION:**

1. The application had to be refused by the Development Authority in accordance with sections 6.1.4 related to accessory buildings, section 12.3.4 related to the side yard setbacks and section 2.8.6 related to variance powers.
2. The buildings have been on the property for a number of years and have not become an issue until recently.
3. The Board may take into consideration the principal “use” of the parcel is for seasonal recreational use and allow the “accessory buildings” to remain.
4. If the Board supports the decision of the Development Authority the structures will have to be removed from the property.

Should the Board choose to approve the existing accessory buildings, the following conditions are recommended:

1. The 3-sided sun porch (32m<sup>2</sup> in floor area) be approved to remain in accordance with the site plan.
2. The shed/workshop (21m<sup>2</sup> in floor area) be approved to remain in accordance with the site plan.

<b>Minimum Front Yard – 5.5m</b>	<b>Minimum Side Yard – 2.5m</b>
<b>Actual Front Yard – 2.74m</b>	<b>Actual Side Yard – 1.17m</b>
<b>Variance Granted – 2.76m or 50%</b>	<b>Variance Granted – 1.33m or 53%</b>
3. The shed (shower building 13m<sup>2</sup> in floor area) be approved to remain in accordance with the site plan.

<b>Minimum Side Yard – 2.5m</b>
<b>Actual Side Yard – 1.5m</b>
<b>Variance Granted – 1m or 40%</b>
4. Separate building permits are to be obtained and approved.
5. The accessory buildings shall not be used for purposes related to the operation of any commercial business and shall be for personal use only.
6. The accessory buildings shall not be used as dwellings.
7. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. If the drainage of this development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.

***Advisory Notes:***

1. A building permit fee is subject to double fee penalty.

Prepared by: *CWilliams*  
**Carla Williams, Development Officer**

**Tyler McNab** Digitally signed by Tyler McNab  
Date: 2022.03.22 10:00:53 -06'00'

Reviewed by: \_\_\_\_\_  
**Tyler McNab, Program Lead Development and Safety Codes**





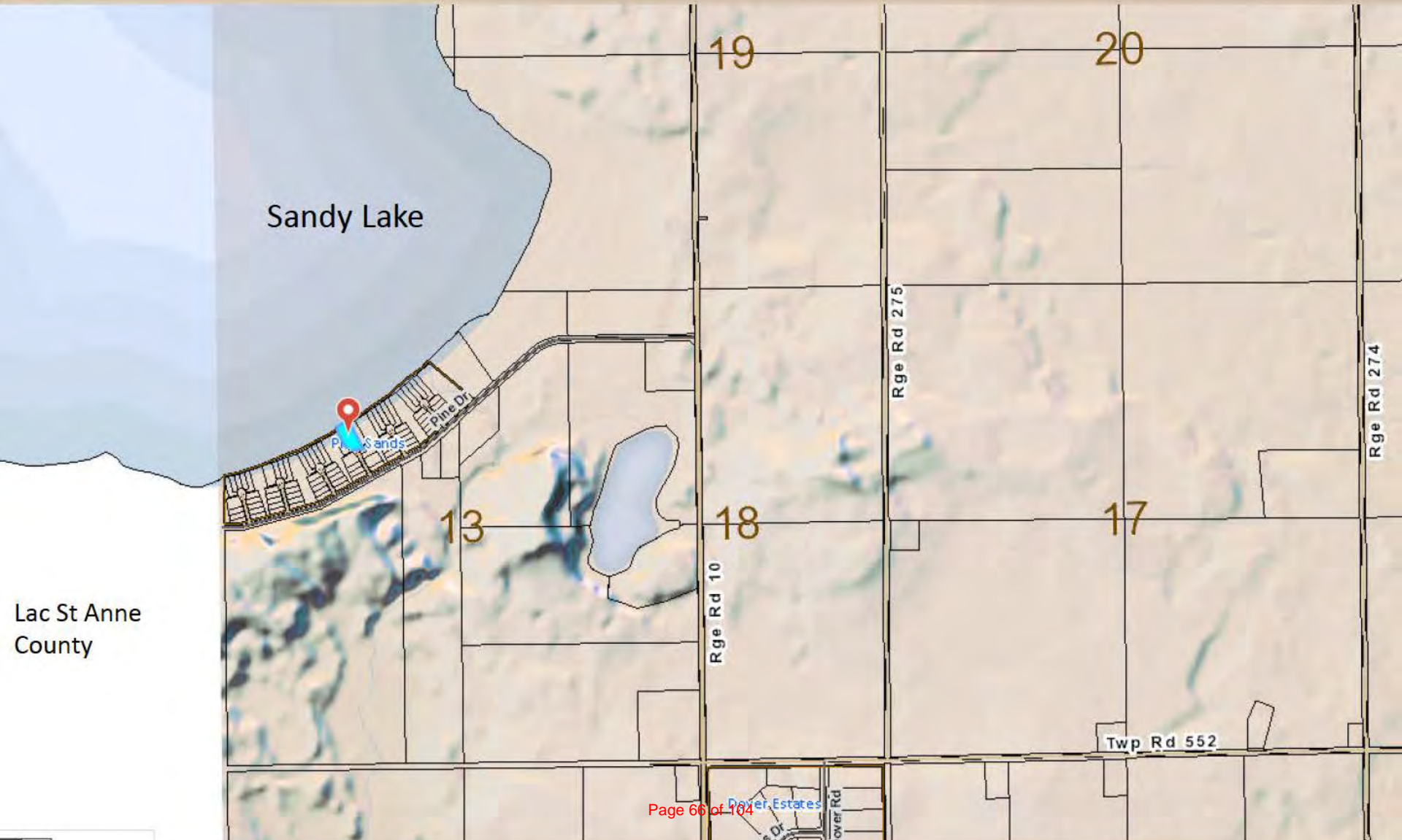
# Subdivision & Development Appeal Board

**Hearing Date:** April 5<sup>th</sup>, 2022

**Regarding:** SDAB File No. 022-STU-005

**Presented by:** Carla Williams, Development Officer

# Site Location (Local Context)

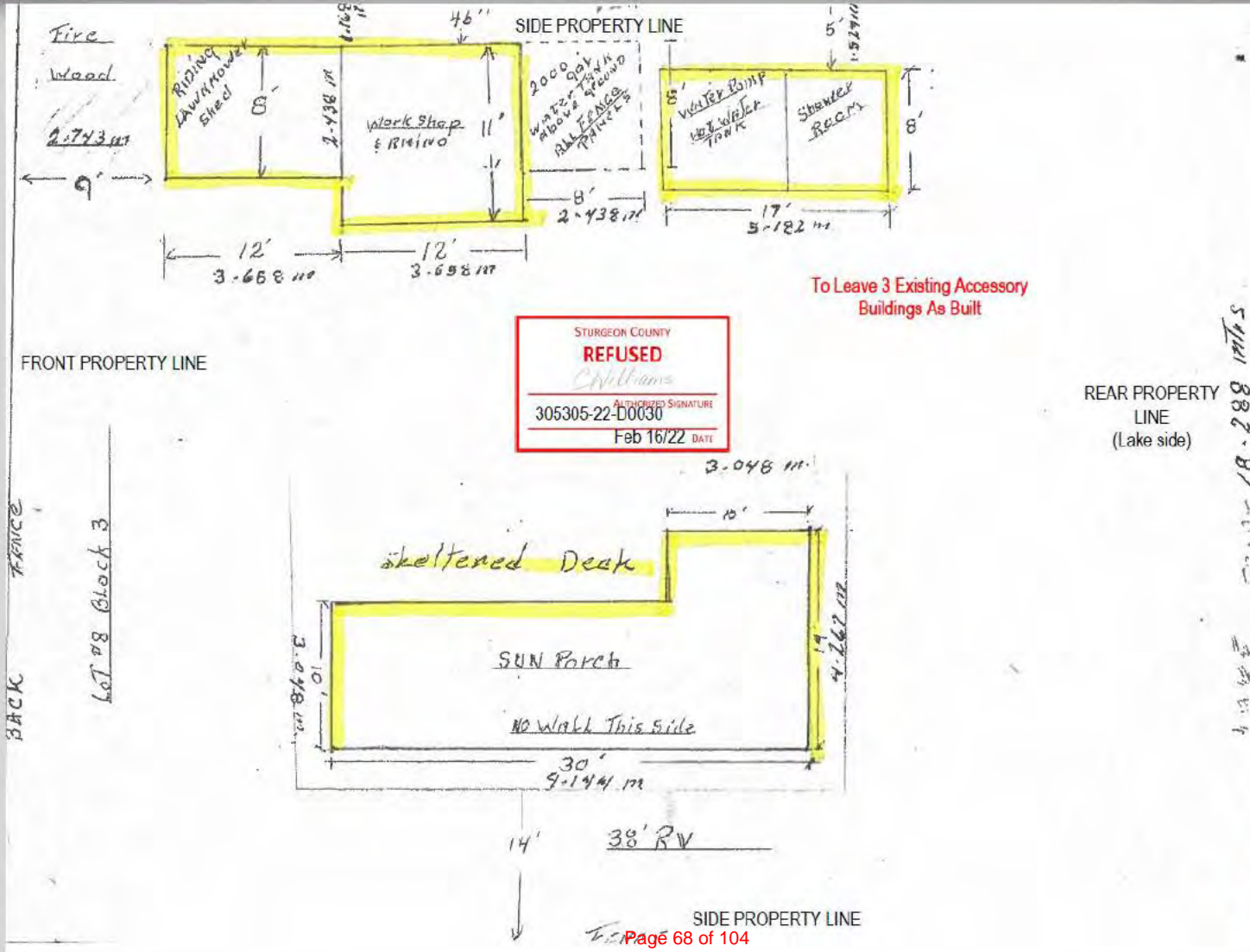


# Site Location (Immediate Context)



**R3 – Hamlet-Unserviced District**  
Page 67 of 104  
**0.29acre parcel**

# Background



# Background



3-sided sun porch next to RV

# Background



Front  
shed/workshop  
addition



Page 70 of 104



Neighbour's  
roof

Rear shower room building

# Background



Western themed facade along the front of the accessory buildings

# Summary of Relevant Regulation

## Land Use Bylaw 1385/17

### Section 12.3.4 R3 Hamlet Unserviced District

#### Minimum Front Yard Setback is 5.5m

- Actual Front Yard for shed/workshop – 2.74m
- Variance Required – 2.76m or 50%

#### Minimum Side Yard Setback is 2.5m

- Actual Side Yard for shed/workshop – 1.17m Variance Required 1.33m or 53%
- Actual Side Yard for shed/shower building – 1.5m Variance Required 1m or 40%

### Section 2.8.6(b) Variances Development Authority May Grant

- R3 District – maximum 40%



# Analysis



# Conclusion

1. The 3-sided sun porch (32m<sup>2</sup> in floor area) be approved to remain in accordance with the site plan.
2. The shed/workshop (21m<sup>2</sup> in floor area) be approved to remain in accordance with the site plan.  

<b>Minimum Front Yard – 5.5m</b>	<b>Minimum Side Yard – 2.5m</b>
<b>Actual Front Yard – 2.74m</b>	<b>Actual Side Yard – 1.17m</b>
<b>Variance Granted – 2.76m or 50%</b>	<b>Variance Granted – 1.33m or 53%</b>
3. The shed (shower building 13m<sup>2</sup> in floor area) be approved to remain in accordance with the site plan.  

<b>Minimum Side Yard – 2.5m</b>
<b>Actual Side Yard – 1.5m</b>
<b>Variance Granted – 1m or 40%</b>
4. Separate building permits are to be obtained and approved.
5. The accessory buildings shall not be used for purposes related to the operation of any commercial business and shall be for personal use only.
6. The accessory buildings shall not be used as dwellings.
7. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. If the drainage of this development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.

## **Advisory Notes:**

1. A building permit fee is subject to double fee penalty.

**APPELLANT  
SUBMISSIONS  
RECEIVED**

March 24, 2022

Dianne Mason

Secretary, Subdivision and Development Appeal Board

Emile and Louise Royer will be attending the Appeal Board hearing on April 5, 2022 at 2:00 p.m.

I am sending you Schedule A which you already have and it outlines most everything we want to clarify.

Carla Williams has also copied many pictures of ours which she will present, but I am also submitting some that you might not have.

We are also asking to speak to an inspection report from Superior Safety Codes Inc. We dispute his findings.

We want to make sure all permits are in place and we hope we can answer all your questions satisfactorily.

Emile and Louise Royer

## Schedule "A" to Notice of Appeal

### Reasons for Appeal:

1. We purchased the property, upon which the accessory buildings that are the subject of this appeal are located, in 2004.
2. Most of the buildings already existed on the property when we bought it, including the shower room building. We did add on to the existing building #1.
3. At the time of purchase, we were not informed by the sellers nor were we aware in any capacity that the existing buildings on the lot did not have permits. In those days, these properties were simply lake properties for weekend getaways and there was no control from the county, so permits were rarely requested or issued, and bylaws did not exist.
4. The construction of the sun porch, which is a covered deck, was contracted out. The contractor assured us he had a permit. However, the deck cover is not a complete structure as it only has 3 sides and therefore not an accessory building requiring a permit. It would be open on one side if we were to move the RV that it is currently located next to.
5. In addition, at the time of the purchase of the property, there was a lake adjacent to the property. At the time, the lakeside constituted the front property line and the roadside was at the rear property line. This lake has significantly receded and is longer adjacent to the property, which has caused these sides to reverse so that the roadside is at the front property line and the lakeside is at the rear property line.
6. When the subject buildings were built, the buildings were set the appropriate distance from the front property line, as it then existed.
7. The lot that our property is located on and the other lots in the area are very small in width. We have knowledge that the house next door to our property was granted many variances to accommodate such a big house on such a small lot.
8. A 60'-~~41~~16' property does not leave us with much real estate. Almost all the lots in our area have sheds, garages, or mobile homes that are sitting on the property lines.
9. Our lot is beautiful in the summer with an abundance of flowers, trees, and birds. We get complimented all the time. Emile spent many summers painting and turning the buildings into a western theme. We even had a bride and groom take their wedding pictures in front of his handy work. It would be an absolute shame and completely unjust to remove this.
10. Therefore, we respectfully request that you grant our appeal and approve our application to leave the 3 existing accessory buildings as built.

**SITE INSPECTION REPORT**

Inspection Stage:  Foundation  Framing  Progress  Stacks  Groundwork  
 Service  Rough-In  Final  Other

Permit #: W/O 18113 Discipline: PSDS

File #: \_\_\_\_\_ Issue Date: FEB 4 / 2022

Installation Municipality: ~~LA SALLE COUNTY~~

Installation Address: 308 - 55230 RR 10

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Plan: \_\_\_\_\_

Subdivision: PINE SANDS

Part of \_\_\_\_\_ Sect: \_\_\_\_\_ Twp: \_\_\_\_\_ Rg: \_\_\_\_\_ W of: \_\_\_\_\_

Owner: EMILE & LOUISE ROYER

Ph.: \_\_\_\_\_  
 Contractor: ~~LA SALLE COUNTY~~  
ADN: CARLA WILLIAMS

Directions: SITE INSPECTIONS

IMPROPER DISPOSAL OF PRIVATE SEWAGE.  
NO PERMITS  
 ↓ NOT TRUE

Ph.: \_\_\_\_\_ Fax: \_\_\_\_\_

Outstanding deficiencies from previous inspections and plan reviews have been corrected:  Yes  No  N/A  
 Agency unable to meet QMP time frame due to construction progress.  
 VOC Required  Unsafe Conditions  Unable to Enter  Permit Expired  Permit is Cancelled  Deficiencies  
 Observations  No Deficiencies Observed at Time of Inspection  No More Site Inspections Required (Permit Services Report to Follow)

This Site Inspection Report strictly references Provincial Codes and is not to be used for the New Home Buyers Protection Act.

NO PERMITS IN PLACE FOR ANY PRIVATE SEWAGE SYSTEMS / TANKS.

AS PER SOP 2015. > INSTALLATION AND CLEARANCES BY CODE REQUIRE

PART 10 PRIVIES, CODE REQUIREMENTS FOR ALL OR ANY INSTALLATION ON SITE FOR PSDS.

10.1.1.1, 10.1.2.1.3, 10.1.2.2.1/2, 2.1.1.1, 2.1.2.1.3, 2.1.2.2.1, 2.1.2.3.4, 10.1.2.7.4, 10.1.2.8.1, 10.1.3.1.1

\* NO PERMITS FOR SITE > OWNER'S RESPONSIBILITY.

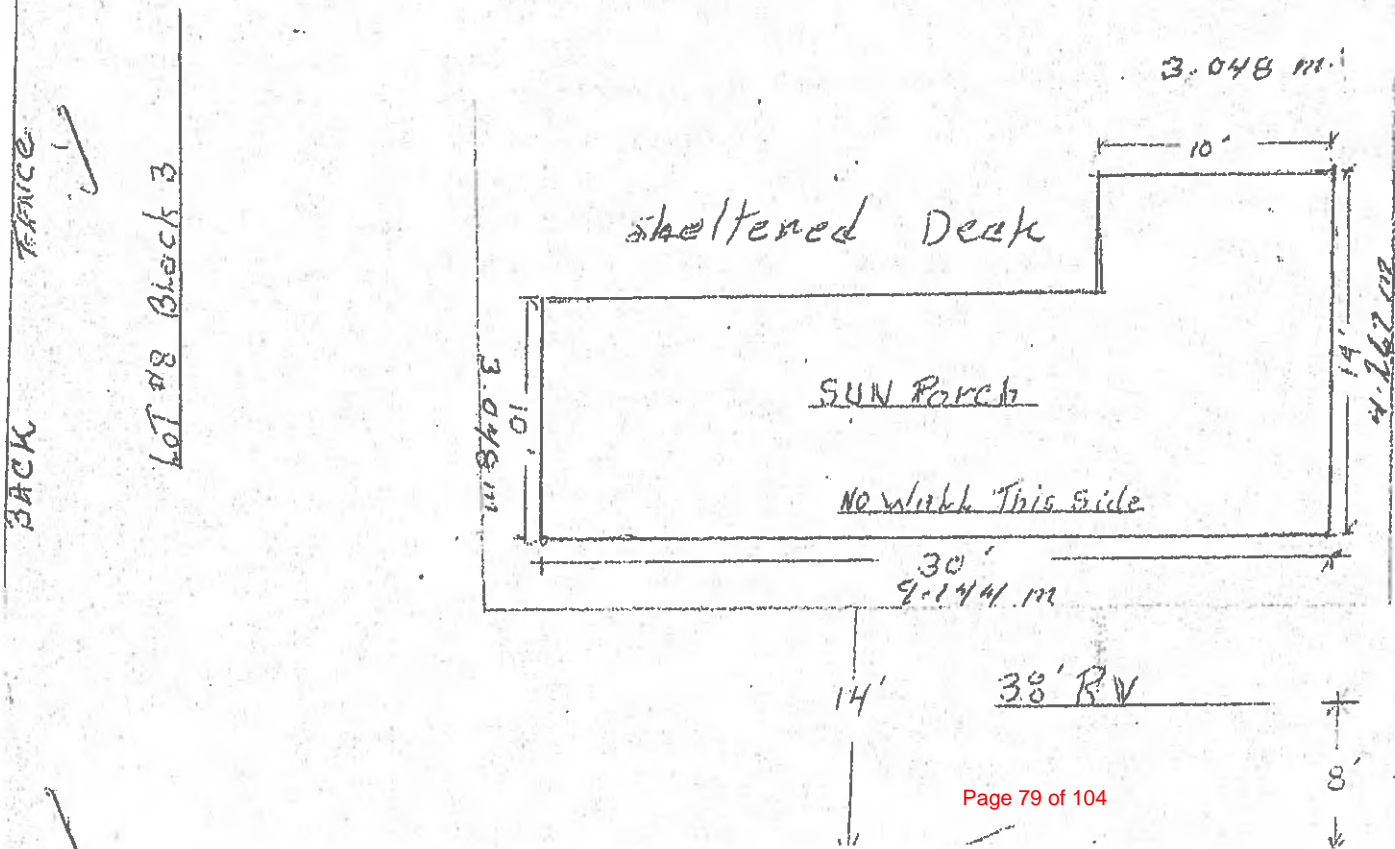
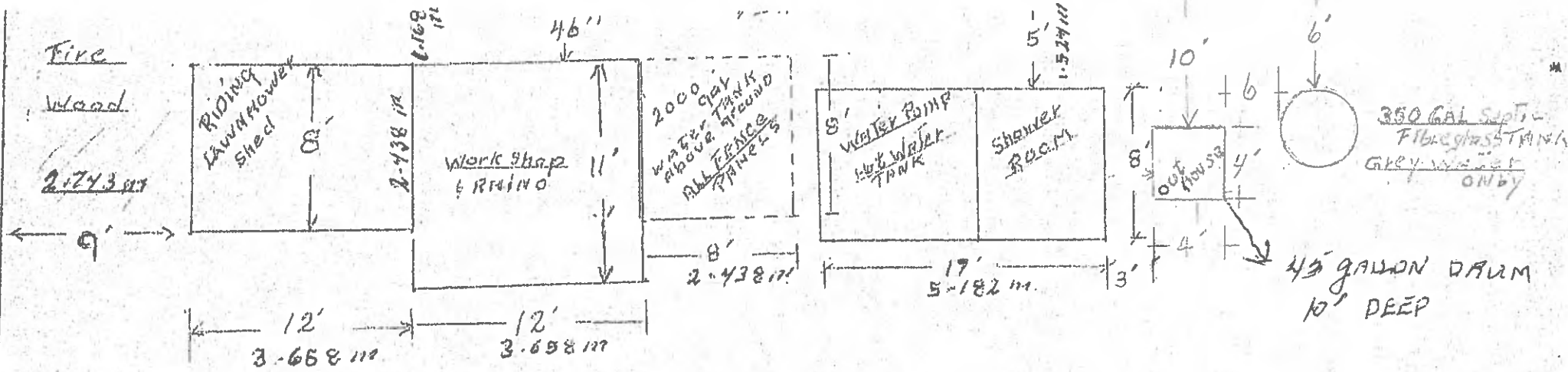
EXEMPTION: The permit applicant/owner acknowledges that as per section 12(2) of the Alberta Safety Codes Act, Superior Safety Codes Inc. is not liable for any damage caused by any decision related to the system of inspections, examinations and investigations including but not limited to a decision relating to their frequency and the manner in which they are carried out.

Code K: \_\_\_\_\_ Code H: \_\_\_\_\_  
 Safety Codes Officer: BRIAN CHERNOSKE Designation Number: D5455  
 Safety Codes Officer Signature: \_\_\_\_\_

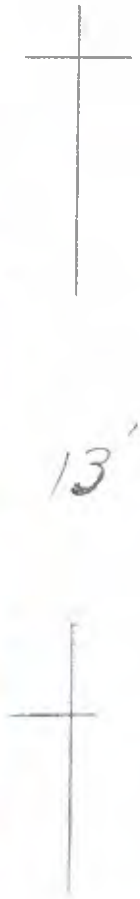
A copy has been:  Left on Site  Mailed  Faxed  Emailed Inspection Date: FEB 4, 2022

Verification of Compliance (VOC):  
 Once the above noted items have been corrected, please sign and return to: Superior Safety Codes Inc.  
 I verify that the above noted deficiencies have been/will be corrected to meet the intent of the Safety Codes Act.

X				X			
<input type="checkbox"/>	Applicant	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Contractor	Date	
<input type="checkbox"/>	Professional	<input type="checkbox"/>	Other			Confirmed Receipt	
						Date VOC Received	
<input type="checkbox"/>	Calgary	25, 2015 - 32 Avenue NE	T2E 6Z3	Ph: (403) 717-2344	Fax: (403) 717-2340	Toll Free Ph: 1-888-717-2344	Toll Free Fax: 1-888-717-2340
<input checked="" type="checkbox"/>	Edmonton	14613 - 134 Avenue	T5L 4S9	Ph: (780) 489-4777	Fax: (780) 489-4711	Toll Free Ph: 1-866-999-4777	Toll Free Fax: 1-866-900-4711
<input type="checkbox"/>	Lethbridge	422 - North Mayor Magrath Dr.	T1H 6H7	Ph: (403) 320-0734	Fax: (403) 320-9969	Toll Free Ph: 1-877-320-0734	
<input type="checkbox"/>	Lloydminster	Bay 1, 2914 - 50 Avenue	T9V 2S5	Ph: (780) 870-9020	Fax: (780) 870-9036		
<input type="checkbox"/>	Red Deer	3, 6264 - 67A Street	T4P 3E8	Ph: (403) 358-5545	Fax: (403) 358-5085	Toll Free Ph: 1-888-358-5545	Toll Free Fax: 1-866-358-5085



LAKELAND COUNTY 18-288 MATS



Picture #1





Picture #3













**ADJACENT  
LANDOWNER  
WRITTEN  
RESPONSES**



To: Sturgeon County – Appeal Board

**Legal Description of Subject Property:** Plan 4694MC; Block 3; Lot 8 – Pine Sands

**Decision regarding proposed development:** To leave 3 accessory buildings as built (shed/workshop, shed and 3-sided sun porch)

Good afternoon,

We are the adjacent property owners of the above-noted subject property and we intend to exercise our right to attend the hearing and speak against the proposed development.

**Background:**

The hamlet of Pine Sands is a mix of residential and seasonal properties and is adjacent to environmentally significant land. We have lived next to this property for the past 9 years. The appellant generally visits their property on average every other weekend for 2-3 days during the months of May – September. Our property is home to 2 adults, 1 minor child and 2 pets. Most of the appellant's structures are on the west side of their property, next to the east side of the residence, which contains all our bedrooms.

Please accept this letter as confirmation that we are **not in support of** their application for the following reasons:

- 1) There is **no dwelling** on the property – the area is zoned as R3 Hamlet Unserviced District – there should not be any accessory buildings of any kind as per "Detached-Garage-or-Accessory-Building-permit-information" document.
- 2) **Safety concerns** - does not comply with the Safety Codes Act:
  - a. **Fire** – buildings are too close to the property line and were constructed using unsafe materials (mostly OSB). There is no fire protection, and this is a heavily wooded area with limited fire department support. Building materials, UTV and gas cans are stored inside or behind the buildings (towards neighboring property).
  - b. **Electrical** – no permit for electrical outlets. Who installed without a permit and was this installed according to safety requirements? There are power sources in multiple locations on the property.
  - c. **Sewage** – where are the 2 RVs, privy and shower draining? No approved sewage permits were found. We are concerned sewage could be coming into our home and contaminating our property.
  - d. **Water runoff** – no drainage measures were put in place and water is redirected into adjacent property. This negatively impacts the foundation of our property.
- 3) Appellant is requesting approval for 3 accessory buildings: "shed/workshop, shed and 3-sided sun porch". The property also has another shed at the rear (added in 2020), a building containing a shower and a privy. Why are these not listed in the appeal?
- 4) Appellant is requesting to keep all buildings in as built condition. The materials used provide no fire protection and the buildings themselves look out of place in the neighborhood. There is a mix of mostly residential homes and cabins with a few RVs on bare land. This property contains 2 RVs, 5 accessory buildings (1 privy, 1 shower building, 1 sunporch, 2 sheds), decks and walkways.

5) Reasons for appeal listed by appellant state the following:

**a. When the property was purchased, the buildings were already in place and the Appellants were unaware that permits did not exist.**

i. **Response:** We have personally observed the appellants develop the property over the past 9 years that we have resided next to the property. They have added new structures and modified existing ones. Another neighbor in the area has confirmed to us that they have observed the appellants add new buildings to the property at least 3 times before we moved to the area. Additionally, when purchasing property, it is the responsibility of the purchaser to ensure they understand what they are purchasing – due diligence is required. *"In real estate transactions, the onus is generally on the buyer to do due diligence. The doctrine of "caveat emptor" applies which is Latin for "buyer beware". In other words, the buyer must inspect the property and ask the vendor questions before buying the home. This is home buyer due diligence."* - <https://kahanelaw.com/home-buyer-due-diligence-lawyers-calgary/>

**b. The sun porch is not a complete structure as it is open on one side and is therefore not an accessory building requiring a permit.**

i. **Response:** The appellant has confirmed to us previously and we have observed that the sun porch is physically attached to the RV and that there would be no way to remove the RV without causing extensive damage to both.

**c. When the accessory buildings were constructed, they were set the appropriate distance from the front property line as it existed then.**

i. **Response:** How do they know this if permits were never obtained, and they were not aware that there were no permits? Several permits were submitted in the past and were all rejected for location issues (FOIP reviewed).

It is very disturbing to us that the appellant is requesting that the structures on their property be allowed to remain in the condition they are in considering the clear safety risks they pose to the neighboring properties and their occupants.

In addition to rejecting the proposed development plan, we ask the County to ensure the following are completed as a high priority considering the buildings are currently in place and the County has been aware of them since November 2021.

- 1) Schedule full safety inspections including power, sewage, and buildings
- 2) Limit access to the property until inspections have been completed and the property has been cleared of any safety risks
- 3) Cut power from property to reduce risks & complete Environmental assessment (Alberta Environment)
- 4) Keep adjacent property owners updated on progress and next steps with timelines

Thank you for your consideration in this matter.

Anthony & Kristy Arcouette  
309 55230 RR10  
Sturgeon County, AB  
T8 R 0K4

Appendix

Image 1:

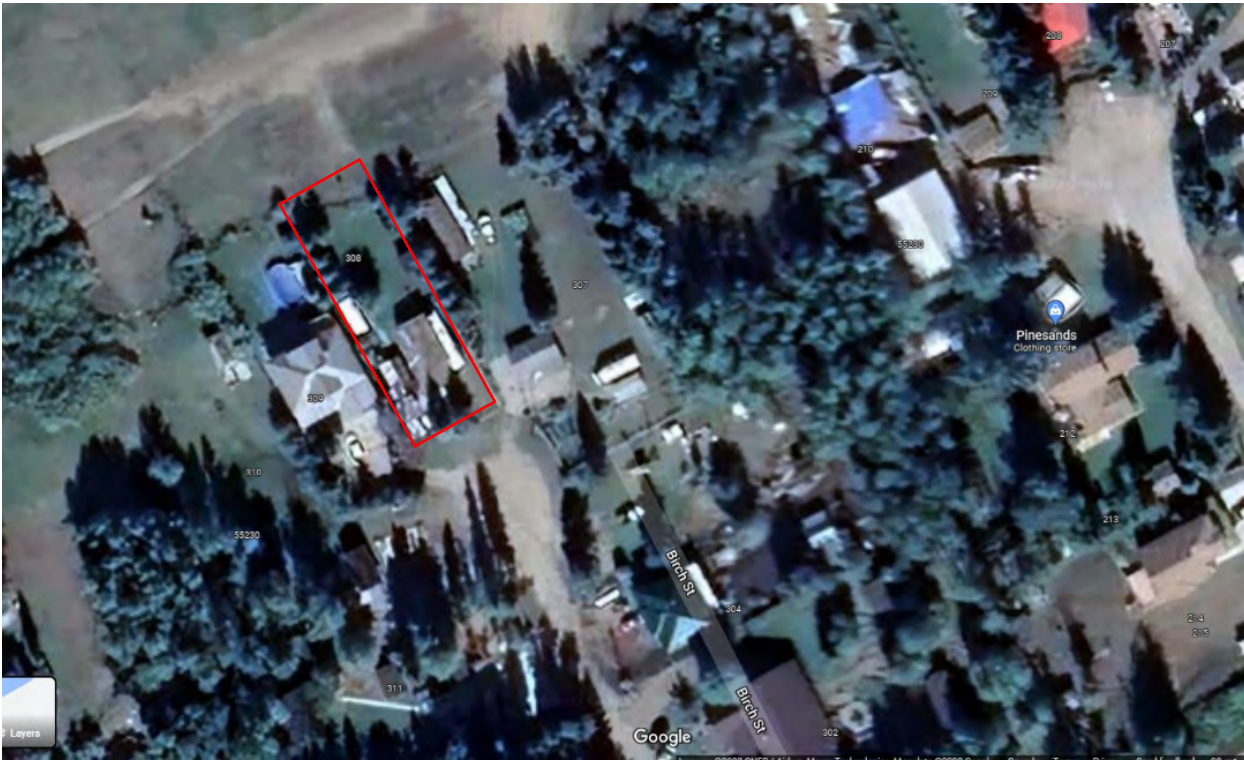


Image 2:



Image 3:



Image 4:



Image 5:



Image 6:



Image 7:

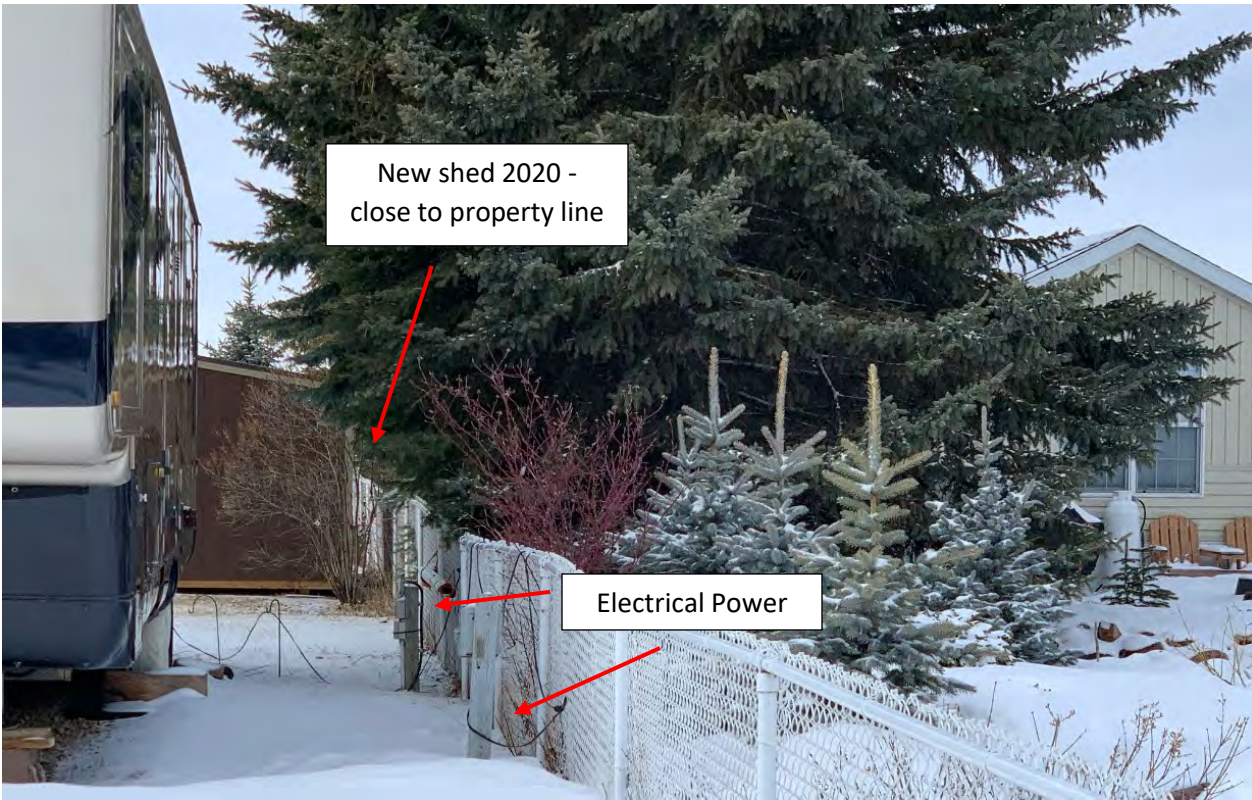


Image 8:



RV attached to Sunporch  
– filled in with sealant

Image 9:



Front property line

Image 10:



Image 11:





Image 12:



Some buildings are not attached to each other  
Building material and gas cans stored outside  
Extensive plumbing and electrical

Image 13:

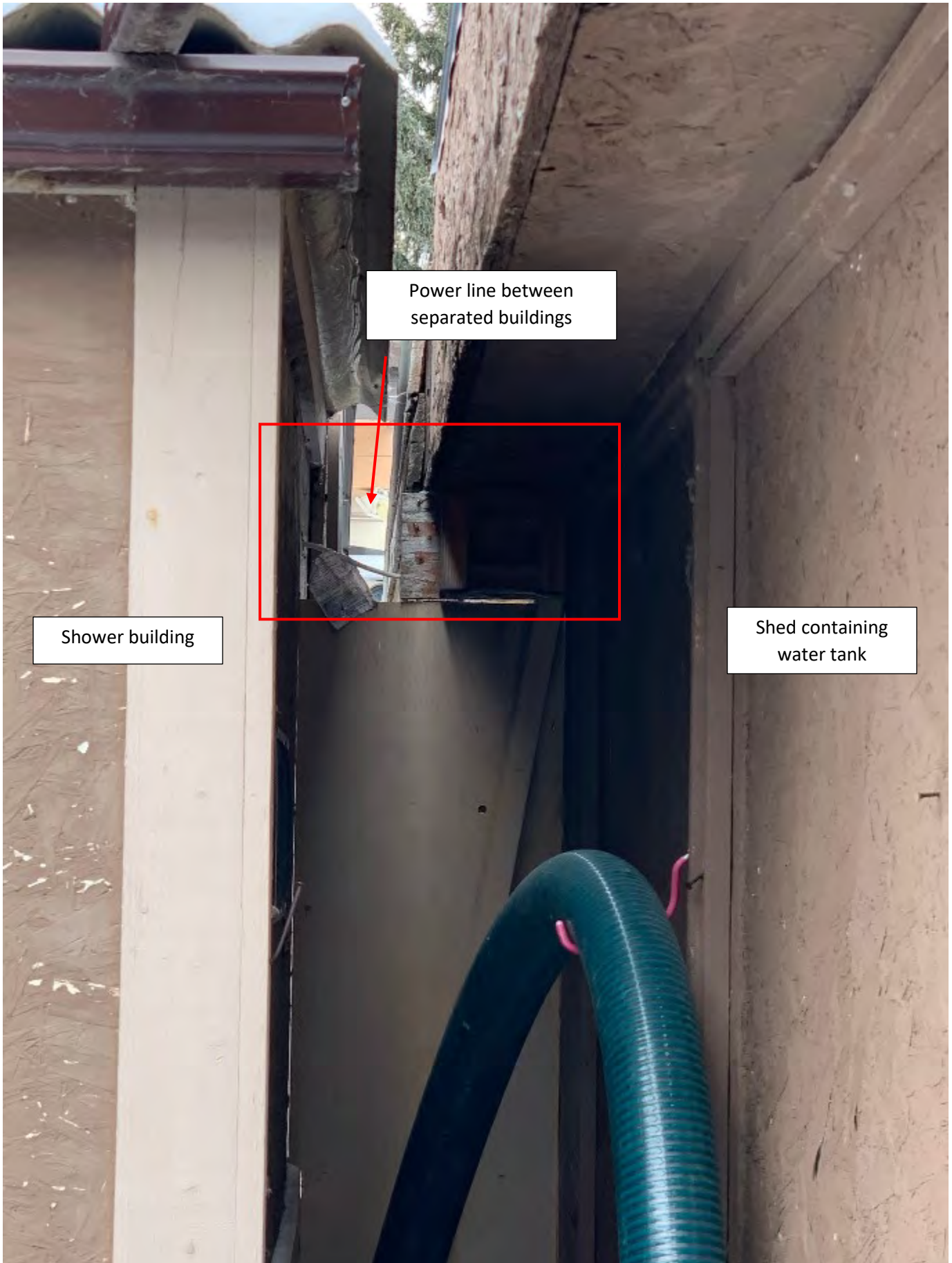


Image 14:



- Shower building with plumbing from a separate building
- Privy with exhaust and power
- Water diverted to adjacent property
- 3 levels of the roofline on connected sheds and different foundation

Image 15:



Power line between separated buildings

Shower building

Shed containing water tank

Image 16:



Deck and walkways  
next to RV

Image 17:



RV with Power

Image 18:



New shed added in 2020

Image 19:



Sewage line from RV connected to pipe in ground

Image 20:



Sunporch

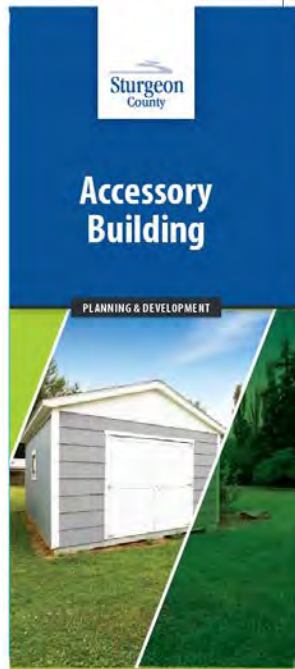
# Attachment: Detached-Garage-or-Accessory-Building-permit-information



**DID YOU KNOW?**  
Permits are required to be issued prior to the construction of the building

For more information about  
**Accessory Building**  
Contact Current Planning and Development Services  
Phone 780-939-9275  
Toll Free 1-866-939-9303  
Fax 780-939-2076  
Email [pandd@sturgeoncounty.ca](mailto:pandd@sturgeoncounty.ca)  
[www.sturgeoncounty.ca](http://www.sturgeoncounty.ca)  
Sturgeon County Centre  
9613 - 100 Street  
Morinville, AB T8R 1L9

Applications will require registered landowner signature or letter of authorization. These fees are established by County Council and are subject to change without notice. A current fee schedule is available at the Sturgeon County Office. Information contained in this pamphlet has been obtained from Land Use Bylaw 136517 and is subject to change without notification.  
This pamphlet has no legal status and cannot be used as an official interpretation of the various regulations currently in effect. Sturgeon County will not accept responsibility for persons relying solely on this information.



## What is an Accessory Building?



**1** An **Accessory Building** is a building that is used for personal/residential use and is located on the same parcel as the principal building. Such buildings include detached garages, shops, garden and/or storage sheds and greenhouses.



**2** An **Agricultural Accessory Building** is a building that is used exclusively with the operation of an agricultural use on the parcel for which it is located. Such buildings include but are not limited to grain bins, silos, storage for on-farm produced crop products, hay shelters, animal housing facilities or machine storage sheds. This use does not include a detached garage or shop if the building is partially used for personal/residential use.



### Do I need a permit for my accessory building?

If the structure exceeds 10m<sup>2</sup> (107.6ft<sup>2</sup>), both a development and building permit are required.

### My accessory building is moveable or on skids, do I still require a permit?

Yes, you will require permits regardless of foundation type.

### Do I need a permit for my agricultural accessory building?

No, both development and building permits are not required provided they are exclusively for farm use.

### Where can I place my accessory building or agricultural accessory building?

All buildings must meet the setbacks of the district they are located in, regardless of permit requirements. Please give us a call to assist you in determining your specific district and setbacks.

### Can I build an accessory building if I do not have a dwelling on my property?

No. Only an agricultural accessory building can be constructed on a parcel without a dwelling. The building must be exclusively used for farm purposes on the same parcel which it is located on.



### Other considerations when thinking of building an accessory building.

Any accessory and agricultural accessory building must be setback a minimum of 1.9m (6.0ft) from a dwelling.

Any building must not be located in the front yard in a residential district, however this may be varied if the parcel size exceeds 1ha (2.47ac) and if insufficient yard exists to construct the building in the side or rear.



### How do I apply for permits?

Submit a completed development permit application to Current Planning and Development Services. Ensure that all items on the checklist are provided as part of your submission to Sturgeon County.

Applications forms and checklists can be found on our website or at the County Centre.

- Engineered drawings are required when constructing:
- walls that are greater than 3.65m (12.0ft) in height;
  - foundations that are larger than 55m<sup>2</sup> (572ft<sup>2</sup>) in area;
  - grade beam on pile foundation;
  - pole sheds, and
  - fabric covered buildings.

Note: Please be advised that permits are required to be issued prior to the construction of the building. There is a penalty for building before obtaining permits.