

**AUGUST 16, 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: Mark Stevens 022-STU-012 Development Appeal

3. ADJOURNMENT

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		Date Received Stamp
Municipal Address of site: 56124 RR 241, STURGEON COUNTY		
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’) R2 9720873; ; 1		
Development Permit number or Subdivision Application number: 305305-22-00201		
Appellant Information:		
Severed in line with Section 17 of the FOIP Act		
Name: MARK STEVENS	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

Development Permit	Subdivision Application
<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
Stop Order	
<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 SEPARATE PAGE.	
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 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 your information, please contact the county FOIP Coordinator at 9613-100 Street, Morinville, Alberta, T8R 1L9 (780) 939-4321.

Signature of Appellant/Agent	Date: July 21, 2022
FOR USE ONLY	
SDAB Appeal Number:	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

REASON(S) FOR APPEAL – SEPARATE PAGE

Our understanding is that the development permit would be approved by the Development Officer but for the size of the building. There are three reasons why we are appealing the Development Permit refusal on the basis of building size.

- 1) Alberta Transportation has approved the expansion of kennel operations to 100 dogs and 40 cats. We would like to maximize our ability to operate under the conditions imposed by Alberta Transportation.
 - a. The building is proposed to be 140' long because the southern entrance would be close to existing kennel operations, and the northern most part of the building would abut to the setback required from Highway 28.
 - b. The building is proposed to be 30' wide to accommodate kennels on both sides of the building with adequate space between the kennels.
- 2) The most affected neighbour has written a letter of support for the expansion of kennel operations. A main feature driving this support is that the proposed building will be surrounded by dense trees on the north side of the parcel to help reduce the noise from kennel operations.
- 3) A building of this size gives us the option for potential partnerships with Sturgeon County and bylaw enforcement to deal with stray dogs.



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

STEVENS, MARK

Receipt Number: 202205362
 GST Number: 107747412RT0001
 Date: 2022-07-22
 Initials: CS

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	

July 27, 2022

SDAB File Number: 022-STU-012

Dear Mark Stevens:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: Plan 9720873; 1 (56124 Range Road 241)
Decision Regarding Proposed Development: To construct a kennel (100 dogs and 40 cats) with a variance to the maximum size of an accessory building and distance to an adjacent dwelling.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on July 22, 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 **August 16, 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 413 114 012#. 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 at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than August 11, 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 780-939-8279 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

July 27, 2022

SDAB File Number: 022-STU-012

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 9720873; 1 (56124 Range Road 241)

Decision Regarding Proposed Development: To construct a kennel (100 dogs and 40 cats) with a variance to the maximum size of an accessory building and distance to an adjacent dwelling.

Appellant/Applicant: Mark Stevens

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

- Alberta Transportation has approved the expansion of the kennel and we would like to maximize the kennel's ability to operate.
- The affected neighbour to the north has written a letter of support and the building will be surrounded by trees to further reduce noise.
- The size of the building allows for a potential partnership with Sturgeon County Enforcement Services.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 16, 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 413 114 012#. 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 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 August 11, 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 780-939-8279 or by email at legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board



305305-22-D0201 - Adjacent Landowners Map

Map Subtitle

26-Jul-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: _____

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

Refusal Notification Letter

Date: Jul 20, 2022

Permit Number: 305305-22-D0201

To: Stevens, Mark

Severed in line with Section 17 of the FOIP Act

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-22-D0201 to construct a kennel (100 dogs and 40 cats) with a variance to the maximum size of an accessory building and distance to an adjacent dwelling was refused on Jul 21, 2022.

This decision may be appealed to an Appeal Board within 21 days after the date on which a person qualified to appeal is notified of the decision. 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.

Yours truly,

A handwritten signature in black ink, appearing to read 'Yvonne Bilodeau', written over a light grey rectangular background.

Yvonne Bilodeau
Development Officer

Development Permit

Land Use Bylaw 1385/17

Severed in line with Section 17 of the FOIP Act

Permit No.:	305305-22-D0201
Tax Roll No.:	2144001
Decision Date:	Jul 21, 2022
Effective Date:	Aug 11, 2022

Applicant

Name: Stevens, Mark
Address:

Phone:
Cell:
Email:

Owner

Name: Stevens, Clyde
Address:

Phone:
Cell:
Email:

Property Description

Legal Land Description: 9720873; ; 1
Land Use Description: Agriculture District
Rural Address: 56124 Rge Rd 241

Description of Work

To construct a kennel (100 dogs and 40 cats) with a variance to the maximum size of an accessory building and distance to an adjacent dwelling

Fees

Accessory Building, Discretionary Use / Variance Request	\$410.00
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The application is **REFUSED** for the following reasons:

1. Section 11.1.4 of Land Use Bylaw 1385/17 states, *the maximum floor area of an accessory building is 230m²(2,475.7ft²) for AG-Residential parcels*. A variance is requested to relax the maximum floor to 518m²(5,580ft²). Therefore, the requested variance is 288m²(3,104.3ft²) or 125%.
2. Section 2.8.6(b) states, *variances for the districts in excess of what is prescribed shall be refused by the Development Authority*. The maximum percentage of variance that may be granted by the Development Authority in the AG – Agriculture District.

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:



Yvonne Bilodeau
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

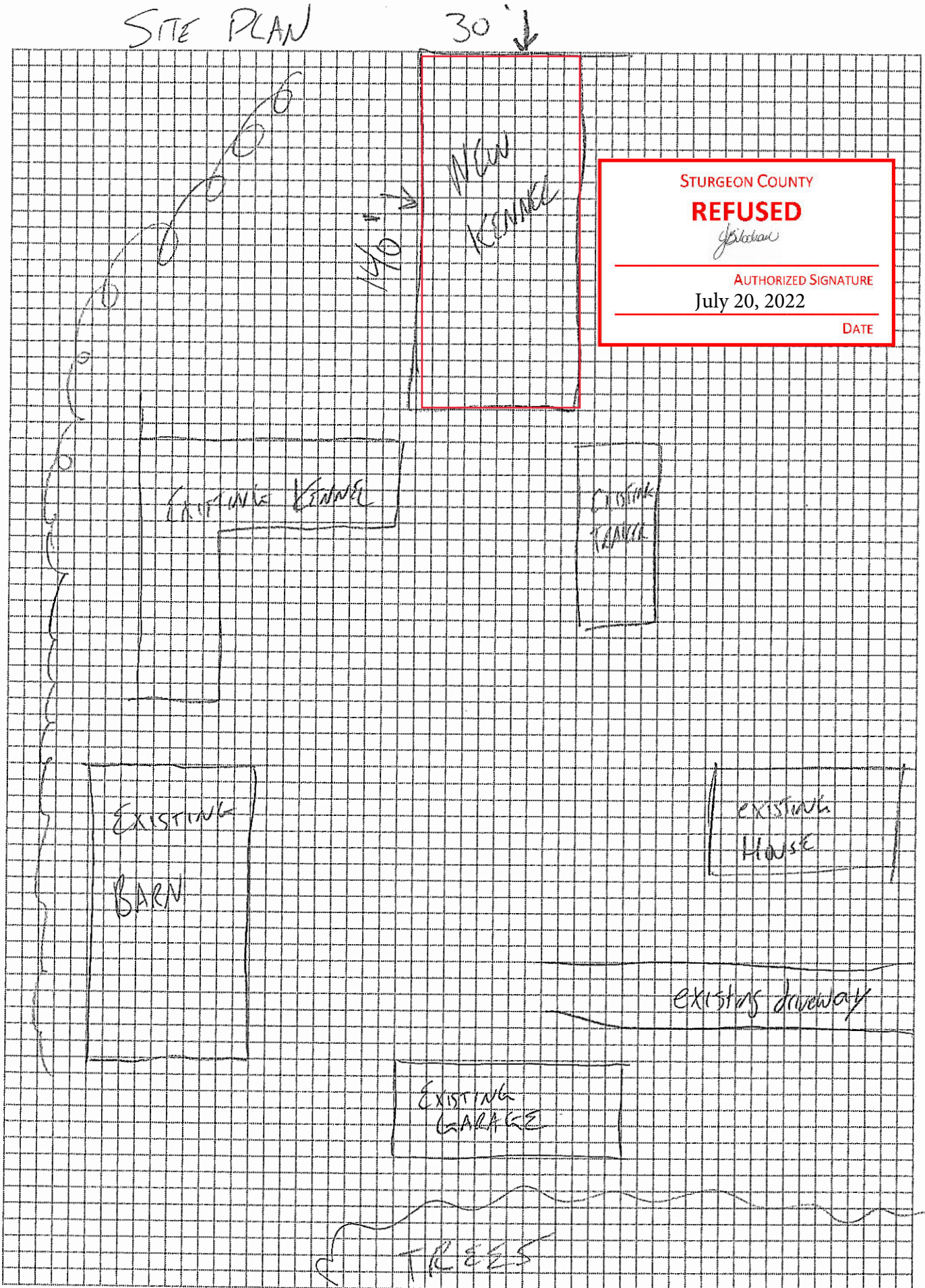
Appeal Information

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 lpvt.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 or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made at 780-939-4321

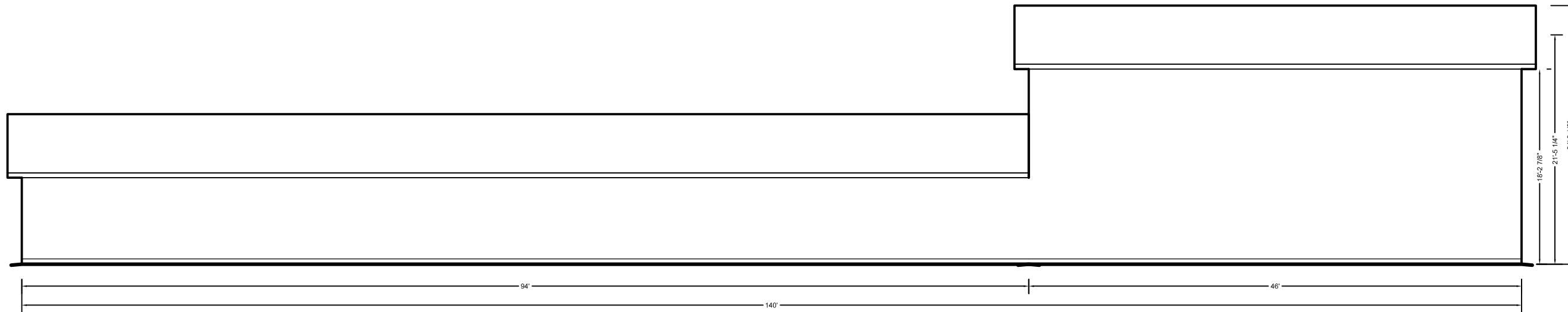
SITE PLAN



STURGEON COUNTY
REFUSED
[Signature]

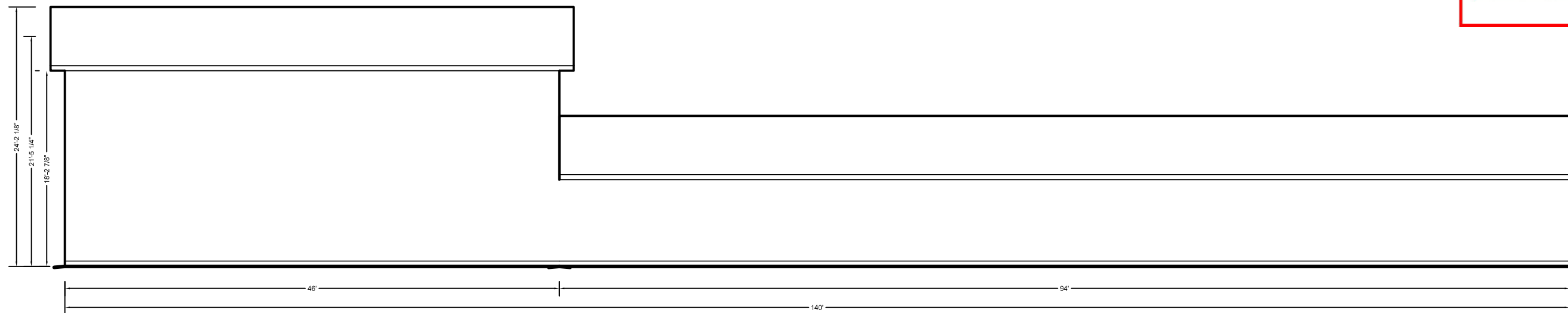
AUTHORIZED SIGNATURE
July 20, 2022

DATE

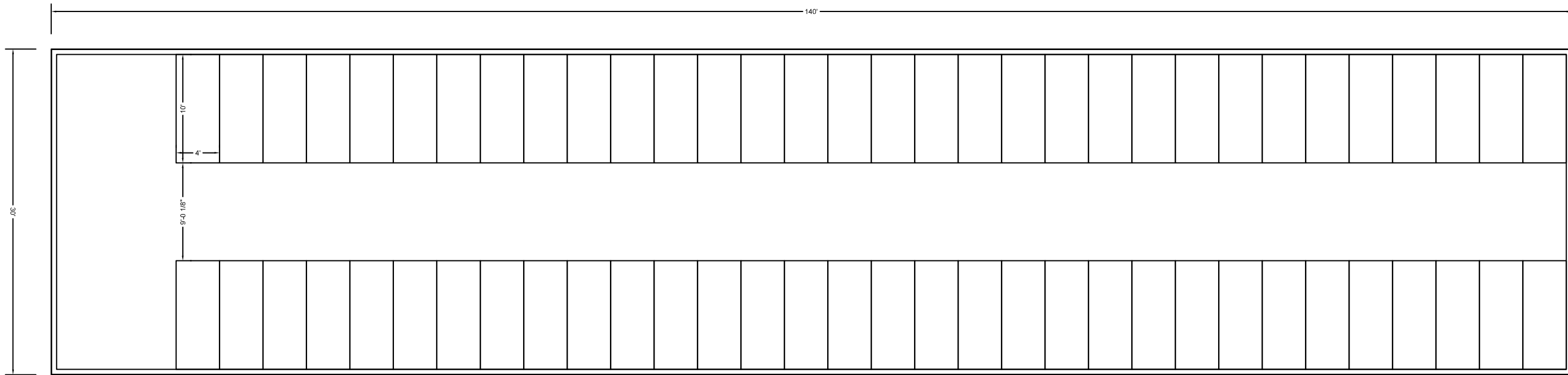


LEFT SECTION

STURGEON COUNTY
REFUSED
[Signature]
 AUTHORIZED SIGNATURE
 July 20, 2022
 DATE

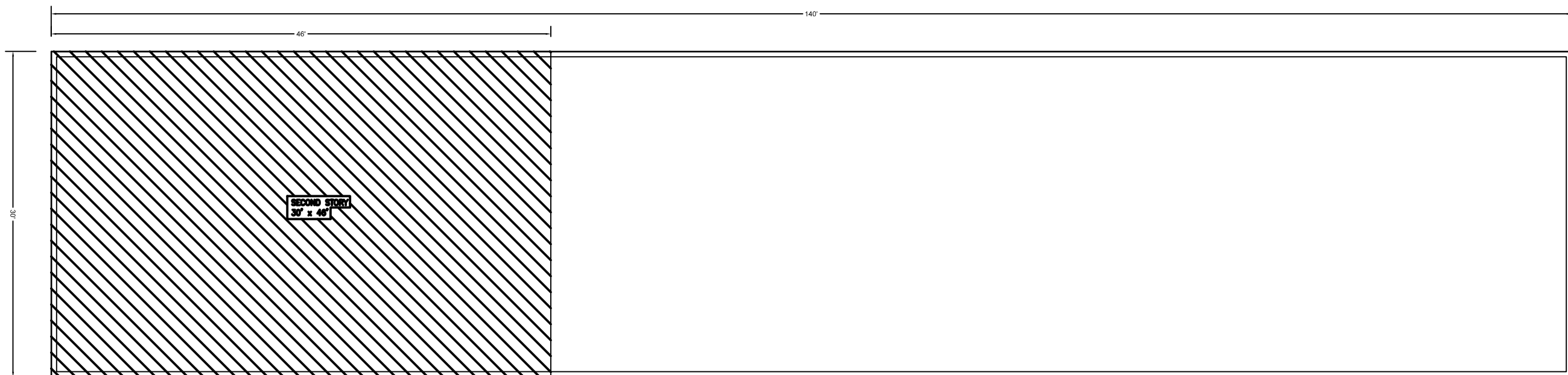


RIGHT ELEVATION

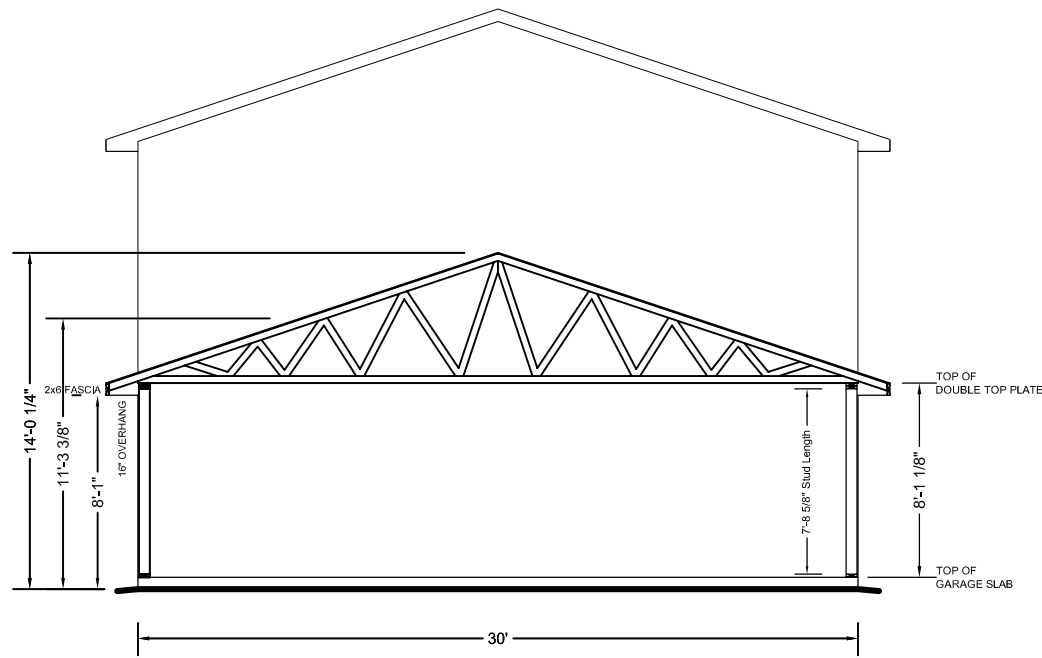


MAIN KENNEL AREA

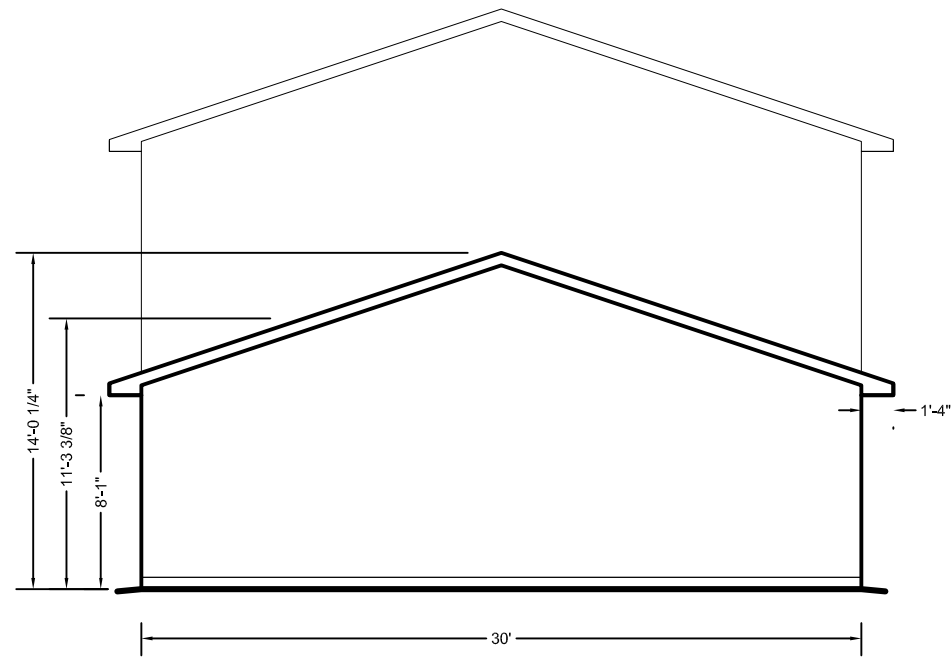
STURGEON COUNTY
REFUSED
[Signature]
 AUTHORIZED SIGNATURE
 July 20, 2022
 DATE



SECOND LEVEL AREA

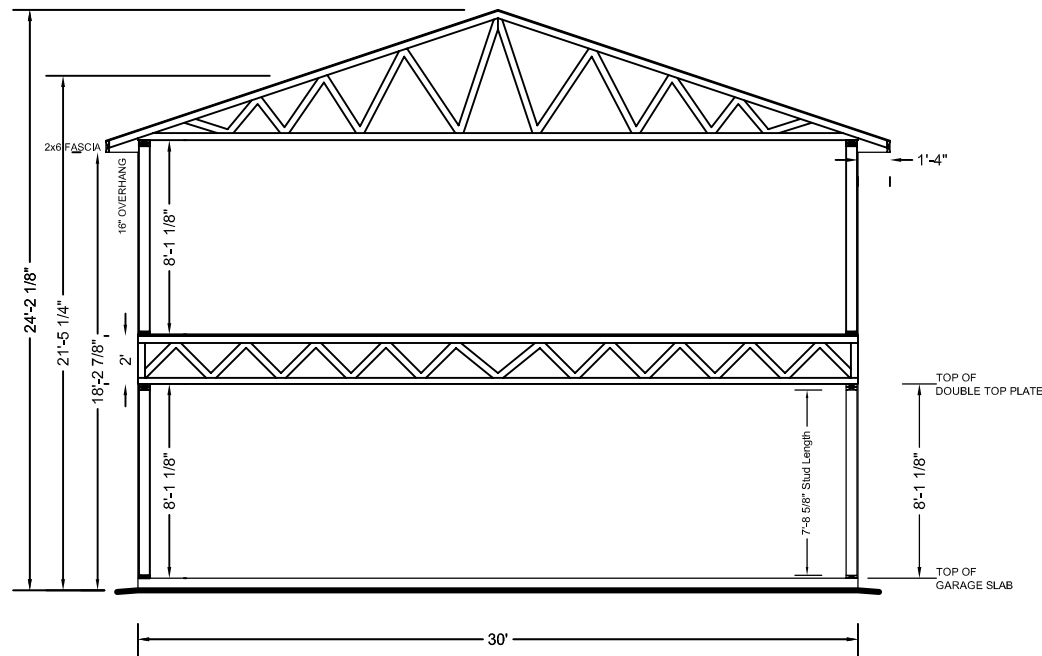


REAR SECTION

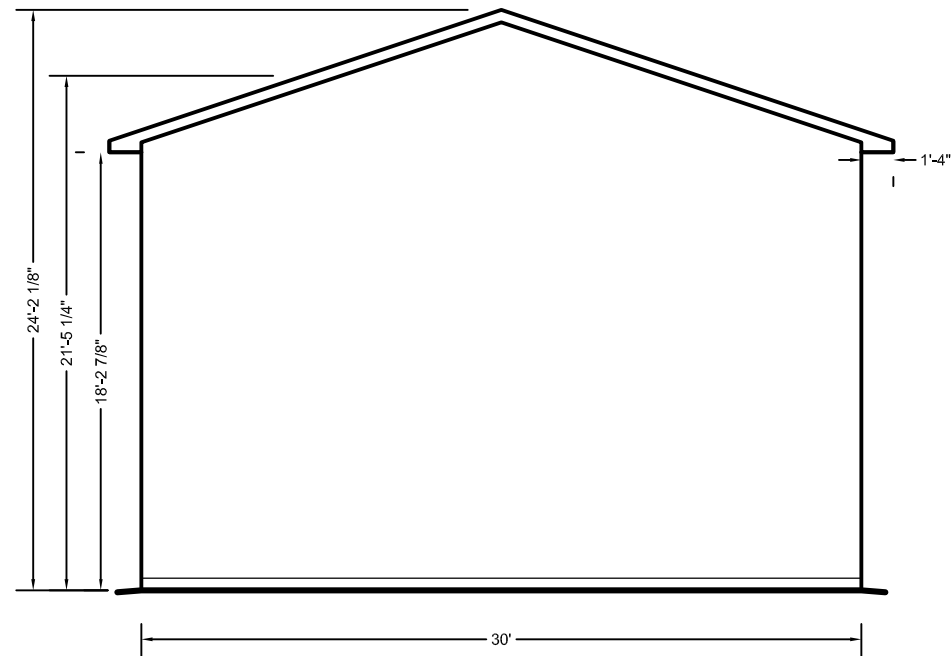


REAR ELEVATION

STURGEON COUNTY
REFUSED
J. Johnson
 AUTHORIZED SIGNATURE
 July 20, 2022
 DATE



FRONT SECTION



FRONT ELEVATION



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

For Office Use	
Permit Number:	<u>305305-22-D0201</u>
Date Received:	<u>11 July 2022</u>
Received By:	<u>YB/DC</u>

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

Severed in line with Section 17 of the FOIP Act

Complete if different from Applicant

Name of Applicant: <u>MARK STEVENS</u>	Name of Registered Land Owner: <u>CLYDE STEVENS</u>
Mailing Address:	Mailing Address:
City:	City:
Postal Code: _____ PH: _____	Postal Code: _____ PH: _____
E-mail Address:	Email Address:

Contact Name: MARK STEVENS

LAND INFORMATION

Legal Description of Property All/Part 9720873 1/4 Section NE-11-56-24-4 Twp. _____ Rge. _____ West of the _____ Meridian
 OR Lot _____ Block _____ Plan No. _____ Hamlet or Subdivision _____
 Parcel Size: 6.62 acres Rural Address: 5612-1 RR 241

DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply

<input type="checkbox"/> Residential	<input type="checkbox"/> Accessory Building	<input checked="" type="checkbox"/> Kennel	Brief Description: <u>Dog Kennel</u>	Development Details: Size: <u>140' x 30' x 24' 2 1/8"</u> Start Date: <u>5/1/23</u> End Date: <u>8/31/23</u> Estimated Project Value: _____ <i>(cost of material & labour)</i>
<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 _____			

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 all land and/or building(s) with respect to this application only. I/we understand and agree that pursuant to this application or any information thereto, is not confidential information and may be disclosed to the public. I/We grant consent for an authorized person of Sturgeon County to communicate electronically as per Section 608 (1) of the Municipal Government Act.

zoned persons the right to enter the above land and any development permit issued by Sturgeon County.

Signature of Authorized Applicant(s) _____ Date 6/29/22 _____ Signature of Landowner _____ Date 6/29/22

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 _____

FOR OFFICE USE ONLY

Permitted Use Discretionary Use

Fee \$ 310.00 Penalty \$ _____ Receipt# 202205061 Tax Roll# 2144001 District AG

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

M/C or Visa Number _____ Expiry Date: _____

Name (as it appears on card): _____ Authorized Signature: _____

DEVELOPMENT PERMIT CHECKLIST

Completed Development Permit Application Form

Completed in full and signed by all registered landowners or person authorized on their behalf.

Land Title Certificate

Searched within 30 days prior to the application. If the parcel is titled to a company name, you will also be required to provide a Corporate Registry. These documents can be obtained at any Provincial Registry Office or online at www.spin.gov.ab.ca.

Site Plan

This is a drawing that depicts site details of your development.

A surveyed plot plan is required for new home construction as per the residential lot grading policy (with the exemption of the Agriculture district)

Construction Drawings

Completed Building Permit Application

Available at www.sturgeoncounty.ca

Abandoned Oil Well Declaration Form and Map **N/A**

Required for all developments greater than 505ft² (46.9m²)

Utility Applications **N/A**

Required for most parcels within a subdivision, confirm with Sturgeon County

Lot Grading Deposit - \$3000 **N/A**

Alberta Transportation Approval **N/A**

Required if developing within 800m (0.5 miles) of a Provincial highway.

Approach Application/Deposit **N/A**

Required where no access to the parcel exists or the upgrade of the access required to meet Sturgeon County minimum standards.

Please ensure that all documentation listed forms part of your application.

Following review of the application, additional information may be requested in accordance with the Land Use Bylaw.

PERMIT FEES ARE NON-REFUNDABLE and SUBJECT TO CHANGE

All development and construction that occurs prior to permit issuance is subject to a penalty of double the current permit fee.

The personal information provided will be used to process the Development Permit 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.

SITE PLAN CHECKLIST

A site plan, to the satisfaction of the Development Authority, must be included with any application for development. For land use districts other than Agriculture, the site plan must be prepared by a practicing professional for the principal building. Agriculture districted parcels may provide a site plan drawn on graph paper as per the example provided.

Please ensure that all the following items are included on the site plan:

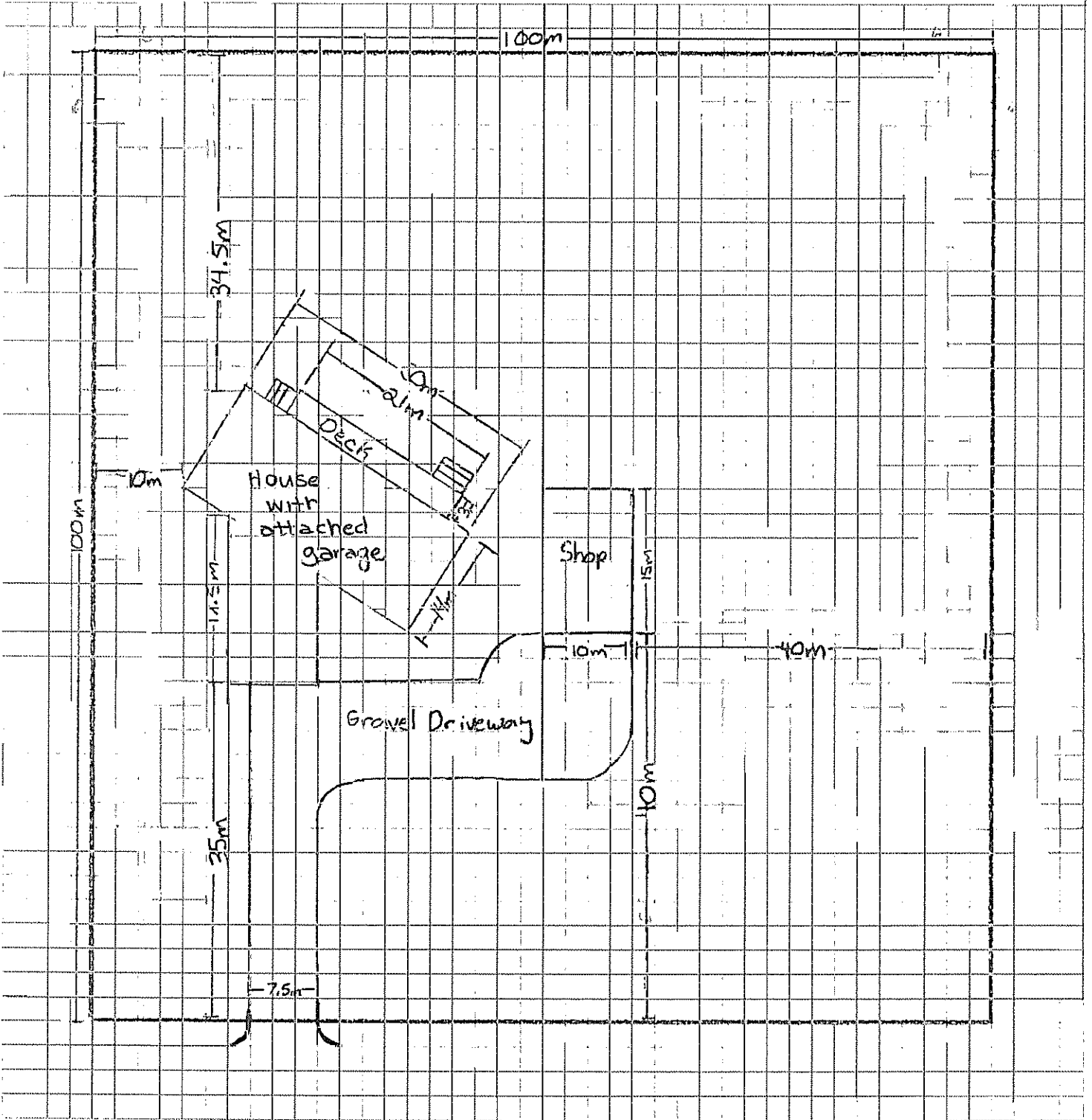
- Δ the legal land description;**
- Δ a north arrow;**
- Δ the location and dimensions of the proposed and existing developments (e.g. house, shop, barn, granaries) and the distance from the proposed development to all the parcel lines and existing buildings;**
- Δ parcel dimensions;**
- Δ the location of all existing or proposed water wells, dugouts, or other water supplies;**
- Δ the location and the type of private sewage disposal system;**
- Δ the location of existing utility or other right-of-ways and easements (and their ownership);**
- Δ the approximate size and location of any water bodies (lakes, sloughs, ponds), watercourses (rivers, creeks or drainage ditches) that are located within or adjacent to the parcel;**
- Δ the location of any adjacent highways, secondary highways, municipal roads, lease roads, or rail lines and**
- Δ the location and width of all approaches, both existing and proposed.**

Please note: An application for a development permit will not be accepted as complete until it adequately addresses key items on the checklist above (as per Paragraph 2.4.1(d) of the Land Use Bylaw 1385/17).

SITE PLAN FOR DEVELOPMENT PERMIT - EXAMPLE

Section:	Township:	Range:	Meridian:
Plan:	Block:	Lot:	
PLEASE DEFINE THE SCALE YOU USED (ex: 4 boxes = 10 metres): <u>1</u> box = <u>2.5</u> metres			

North



PLANNING AND DEVELOPMENT SERVICES REPORT

**Subdivision & Development Appeal Board
File Number 22-STU-013**

FILE INFORMATION

Department File:	305305-22-D0201
Legal Land Description:	Lot 1, Plan 9720783; 56124 Rge Rd 241
Relative Location:	West of Bon Accord, South of Hwy 28
Appellant:	Stevens, Mark
Landowner:	Stevens, Clyde
Description of Appeal:	Appealing the decision of the Development Authority, Refusal to construct a kennel (100 dogs and 40 cats) with a variance to the maximum size of an accessory building and distance to an adjacent dwelling
Land Use Bylaw District:	AG - Agriculture District
Tax Roll Number:	2144001

PROPERTY INFORMATION

- Parcel is 2.68ha (6.61ac) in size.
- December 31, 1973 Letter from Sturgeon County stating no objection to operate a kennel, known as Pelikanna Kennels Reg'd Labrador Retrievers.
- Compliance was approved on June 26, 1998
- 305305-05-D0113 Kennel and Pet Resort (up to 11 dogs)
- 305305-08-D0175 Kennel and Pet Resort Expansion (up to 35 dogs)

APPLICATION DETAILS

- An application was received to construct a building to expand the kennel operations to accommodate up to 100 dogs and 40 cats.
- The building footprint is proposed to be 4,200ft² with a second floor of 1380ft² for a total floor area of 5,580ft².
- There are proposed to be 60 dog kennels on the bottom floor and the top floor would be an office, area to board 40 cats and a supply room.
- They will employ an additional two employees.
- The operation is known as Sturgeon County Kennels.

RELEVANT POLICY/LEGISLATION

- Land Use Bylaw 1385/17

SECTION 2.8 DECISION PROCESS

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

Table 2.1 Variances

District	Percentage of variance that may be granted by a Development Officer	Percentage of variance that may be granted by the Municipal Planning Commission
AG - Agriculture	0.1 – 29.9%	30.0 – 50%

SECTION 11.1 AG – AGRICULTURE DISTRICT

.4 Development Regulations

Additional Development Regulations for AG-Residential Properties		
Maximum <i>floor area</i>	<i>Accessory building</i>	230m ² (2,475.7ft ²)
Maximum Parcel Coverage	15%	

SECTION 6.17 KENNEL AND ANIMAL BOARDING

- .1 *Kennel and animal boarding* shall not be located within 300m (984.3ft) of a *dwelling* on an *adjacent parcel*.
- .2 The maximum number of animals to be kept *on-site* shall be at the discretion of the *Development Authority*.
- .3 *Kennel and animal boarding* facilities shall:
 - (a) be adequately designed and located to reduce impact of noise on *adjacent parcels*;
 - (b) not allow animals to be outdoors between the hours of 10:00p.m. and 7:00a.m.; and
 - (c) require any outside enclosures, pens, runs or exercise areas to be *fenced* and which shall:
 - (i) not be located within a *front* or *flanking front yard*;
 - (ii) be visually and acoustically *screened* to the satisfaction of the *Development Authority*; and
 - (iii) not be allowed if, in the opinion of the *Development Authority*, the existence of outdoor pens, runs or exercise areas is incompatible with the use of *adjacent parcels*.

ANALYSIS

- The development permit application was refused in accordance with the regulations of the Section 11.1.4 regarding maximum floor area. The building’s proposed floor area is 518m²(5,580ft²) and the maximum is 230m²(2,475.7ft²). This equates to a variance of 288m²(3104.3ft²) or 125%. The Development Authority can only grant variances of up to 50% in the AG district.
- AG Residential are parcels smaller than 4ha(9.8ac), this parcel is 2.68ha(6.6 acres).
- Floor area is defined as *the sum of all floors of a building measured to the outside surface of exterior walls and the centre line of fire walls but not including floor areas of basements, attached garages, verandahs or breezeways*. Both levels of the building were included in the calculation for the variance, with the actual footprint of the building being 390m²(4,200ft²).

- The appellants reasons for appeal are that they have approval from Alberta Transportation (Appendix 1), a letter of support from the adjacent landowner (Appendix 2) and the building size gives the option for potential partnerships with Sturgeon County Bylaw Enforcement to deal with stray dogs.
- A variance was also requested for the distance from a kennel to a dwelling on an adjacent parcel from 300m to 230m. The variance is calculated at 23% whereas the Development Authority can grant a variance of up to 29.9%. This was not one of the reasons of refusal and is supported by the Development Authority as the kennel was in operation prior to the adjacent dwelling being constructed and as indicated previously the landowner submitted a letter of support for the kennel.
- The number of animals is at the discretion of the Development Authority. They are proposing up to 100 dogs and 40 cats onsite. Based on their market demands it is only expected to utilize all kennels over Christmas and during long weekends in the summer.
- The proposal aligns with all other regulations for Kennels and Animal Boarding whereas the property is sufficiently screened with mature trees and other regulations are listed as proposed conditions.
- The proposal also aligns with parcel coverage, while taking the proposed building into consideration would only be at 4.1%.
- Alberta Transportation has issued a Roadside Development Permit Approval RSDP026899.
- The application was referred to Sturgeon County's Transportation department regarding road use where it was determined that a Road Use Agreement would not be required. Advisory note #3 has been included in the proposed conditions to support this.
- A separate building permit will be required should the appeal be granted.
- In consideration of what the Development Authority has before them, the proposal does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighboring properties.

CONCLUSION

The Board could support the decision of the Development Authority to refuse said development permit in keeping with Sturgeon County's Land Use Bylaw 1385/17 regulations. However, should the Board not uphold the appeal, the proposed building would have to be decreased in size as determined by the board.

Or

The Board could choose to uphold the appeal and grant the approval to construct a kennel (up to 100 dogs and 40 cats) with a variance to the maximum size of an accessory building and distance to a dwelling on an adjacent parcel, subject to the following conditions as recommended by Administration.

1. A variance of 125% is granted to the maximum floor area of an accessory building to 518m²(5,580ft²).
2. The accessory building shall be designed to reduce impacts of noise on adjacent parcels.
3. A variance of 23% was granted to allow the kennel facility to be located 230m from an existing adjacent dwelling in accordance with Section 2.8.6 of Land Use Bylaw 1385/17.
4. A separate building permit is required and shall be in conformance with the current regulations of the Alberta Building Code.
5. Separate gas, plumbing, electrical and private sewage disposal systems permits shall also be obtained as required.
6. The minimum building setbacks to be adhered to are:

Front yard	35m (114.83ft)
Side yard	6m (19.69ft)
Rear yard	6m (19.69ft)
7. The maximum number of animals onsite shall not exceed 100 dogs and 40 cats.
8. All outdoor enclosures, pens, runs or exercise areas shall be fenced and shall not be located within the front yard.
9. Animals shall not be permitted to be outdoors between the hours of 10:00 PM to 7:00 AM.
10. Parking for staff and clients shall be provided for on-site.
11. Access to the site shall be via the existing approach and shall be in conformance with the specifications of Sturgeon County's General Municipal Servicing Standards.
12. Any sign to be placed on the land or building is subject to separate development permit approval.
13. Future expansion of the facility shall require a new application for a Development Permit.
14. 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. In the event that drainage of a 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.
15. Exterior storage of good and materials associated with this approval shall be kept in a clean and orderly manner at all times and shall be screened from roads and adjacent residential uses to the satisfaction of the Development Authority.
16. If the development authorized by this permit is not commenced within 12 months from the date of its issuance, or is not carried out with reasonable diligence, the permit approval ceases and the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Approving Authority.
17. Any excavation, storage or piling up of materials required during the construction stage shall have all necessary safety measures undertaken and the owner of such materials or excavation assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

Advisory Notes:

1. Kennel and Animal Boarding means a development used for the treatment, breeding, boarding or training of four or more animals which are not owned by the resident of the dwelling unit on the parcel.
2. Should traffic to the site become a concern for the County, a Road Use Agreement may be required.
3. The boarding facility should be operated in accordance with the Code of Practice for Canadian Kennel Operations.
4. The applicant shall comply with the conditions of Permit No. RSDP026899 issued by Alberta Transportation.
5. FireSmart principals are recommended to be incorporated into all development near forested areas. To download the Firesmart resources appropriate for your development, please visit www.wildfire.alberta.ca/fire-smart.
6. Please contact Alberta 1 Call at 1-800-242-3447 for utility locates at least two days prior to the commencement of construction. The development cannot encroach into or over a utility easement or right of way.
7. It is the responsibility of the developer to ensure that the applicant/landowner complies with any federal or provincial laws/legislation and that any required permits are obtained. All development will comply and be consistent with any license, permit, approval, authorization, regulation, or directive established by the Alberta Energy Regulator and Alberta Environment. The applicant/landowner must also comply with the conditions of any easement of covenant which affects the development.

ATTACHMENT(S)

- Appendix 1 Alberta Transportation Approval
- Appendix 2 Letter of Support

Prepared By:



Yvonne Bilodeau, Development Officer

Reviewed By:

Tyler McNab

Digitally signed by Tyler McNab
Date: 2022.08.08 08:34:59 -06'00'

Tyler McNab, Program Lead, Development & Safety Codes



Delivery Services, Transportation
North Central Region, Stony Plain District
Room 223, 4709-44th Avenue
Stony Plain, Alberta T7Z 1N4

Permit No.: RSDP026899
File Number: 2511/NE11-56-24-4

October 8, 2019

Mark Stevens



***Information severed in keeping the with Section 17 of the FOIP Act

Attention Mark Stevens

Subject: Approval for the items identified below within Sturgeon County ("Municipality")

Regarding application for the following:

Increase Dog Kennel Facility (Demolishing Part of Existing Building and Adding New Building) and Sign

Permit / File Number	Description	Location
RSDP026899-1 Development	Operate a Dog Kennel Facility, Demolish Part of Existing Building and Add New Building	Highway 28 NE-11-56-24-4 Lot 1 Plan 9720873

Alberta Transportation amended Permit No. **RSDP026899** is issued to Mark Stevens (Permittee) under the Highways Development and Protection Regulation authorizing the above noted development(s). Issuance of this permit does not excuse violation of any regulation, bylaw or act which may affect the proposed project. This permit is subject to the conditions shown and should be carefully reviewed.

1. This permit is subject to the provisions of Section 11-19 inclusive of the Highways Development and Protection Act (Chapter H-8.5 2004), amendments thereto, and the Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto.
2. All highway accesses are to be considered temporary. No compensation shall be payable to the Permittee or their assigns or successors when the Department removes or relocates the temporary access or if highway access is removed and access provided via service road.
3. No direct highway access will be permitted. Access shall be via the local municipal road.
4. The Department accepts no responsibility for the noise impact of highway traffic upon any development or occupants thereof.
5. This permit approves only the development contained herein, and a further application is required for any changes or additions.
6. The Department is under no obligation to reissue a permit if the development is not completed before expiry of this permit.
7. The Permittee shall not place any signs contrary to Alberta Regulation 326/2009. The separate "SIGN APPLICATION" form shall be submitted for any proposed sign.

8. The proposed kennel shall accommodate a maximum of one hundred (100) dogs and forty (40) cats on site and shall operate with a maximum of two (2) employees who do not reside on this property.
9. The proposed kennel is to be set back minimum 300 metres from the highway property line.
10. This permit is subject to any additional conditions as may be imposed by the local municipality.

Permission is hereby granted to Mark Stevens to carry out the development in accordance with the plan(s) and specifications attached hereto and subject to the conditions shown above.

This permit expires on October 2, 2024. If you wish to continue to operate this business after that date, please apply for a new permit 30 days prior to this date.

If you have any questions about the permit or any of the conditions, please contact the undersigned Development and Planning Technologist at Robert.Lindsay@gov.ab.ca or 780-968-4228.

Signed:

robert.lindsay
y@gov.ab.ca

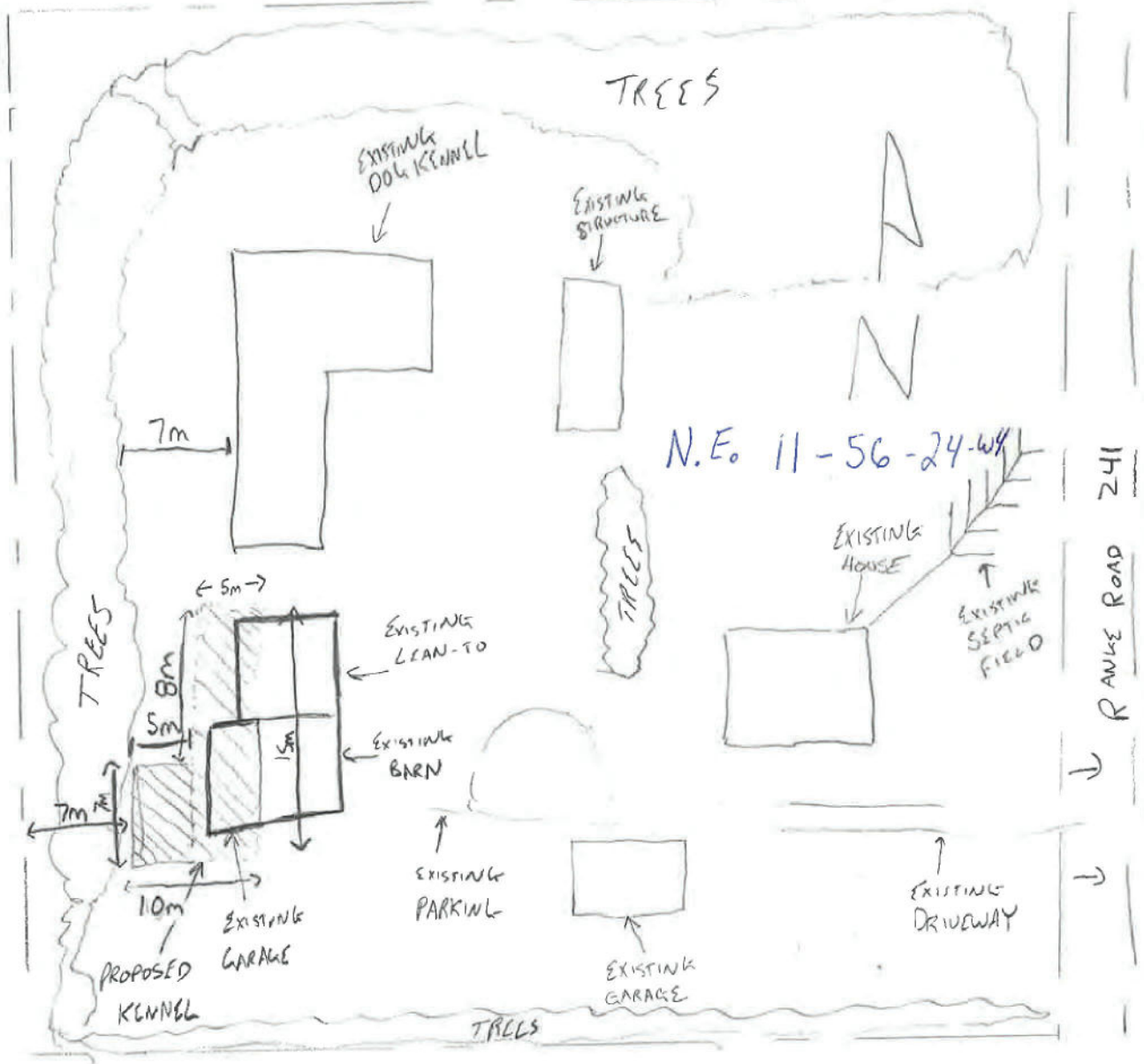
Digitally signed by
robert.lindsay@gov.ab.ca
DN: cn=robert.lindsay@gov.ab.ca
Date: 2019.10.08 09:32:56 -06'00'

Robert Lindsay
Development and Planning Technologist

cc: Development Officer, Sturgeon County

ROADSIDE DEVELOPMENT APPLICATION FOR DEVELOPMENT NEAR A PROVINCIAL HIGHWAY

Alberta Transportation Permit # RSDP026899



Severed in line with Section 17 of the FOIP Act

Note: distances may be shown in metres or feet

SITE PLAN

Signature of Registered Owner or Authorized Agent

Jacques and Holly Lessard

July 11, 2022

***Information severed in keeping with Section 17 of the FOIP Act

Planning and Development
Sturgeon County
9613 100 Street
Morinville, AB T8R 1L9

RE: PROPOSED DEVELOPMENT APPLICATION AT 56124 Rge Rd 241

Dear Planning and Development,

We want to share our support for the proposed development at 56124 Rge Rd 241 for a building to expand the dog kennel operation.

The proposed development is further from our adjacent parcel relative to the existing kennel operation. Additionally, the project proponent intends to situate the building within the trees on the north part of the property.

We understand that the proposed development impacts the surrounding neighbourhood by increased noise and traffic, but we believe the impact will be minimal because of the factors above. We, therefore, offer our support to the project proponent.

Sincerely,

Jacques Lessard

Holly Lessard

022-STU-13

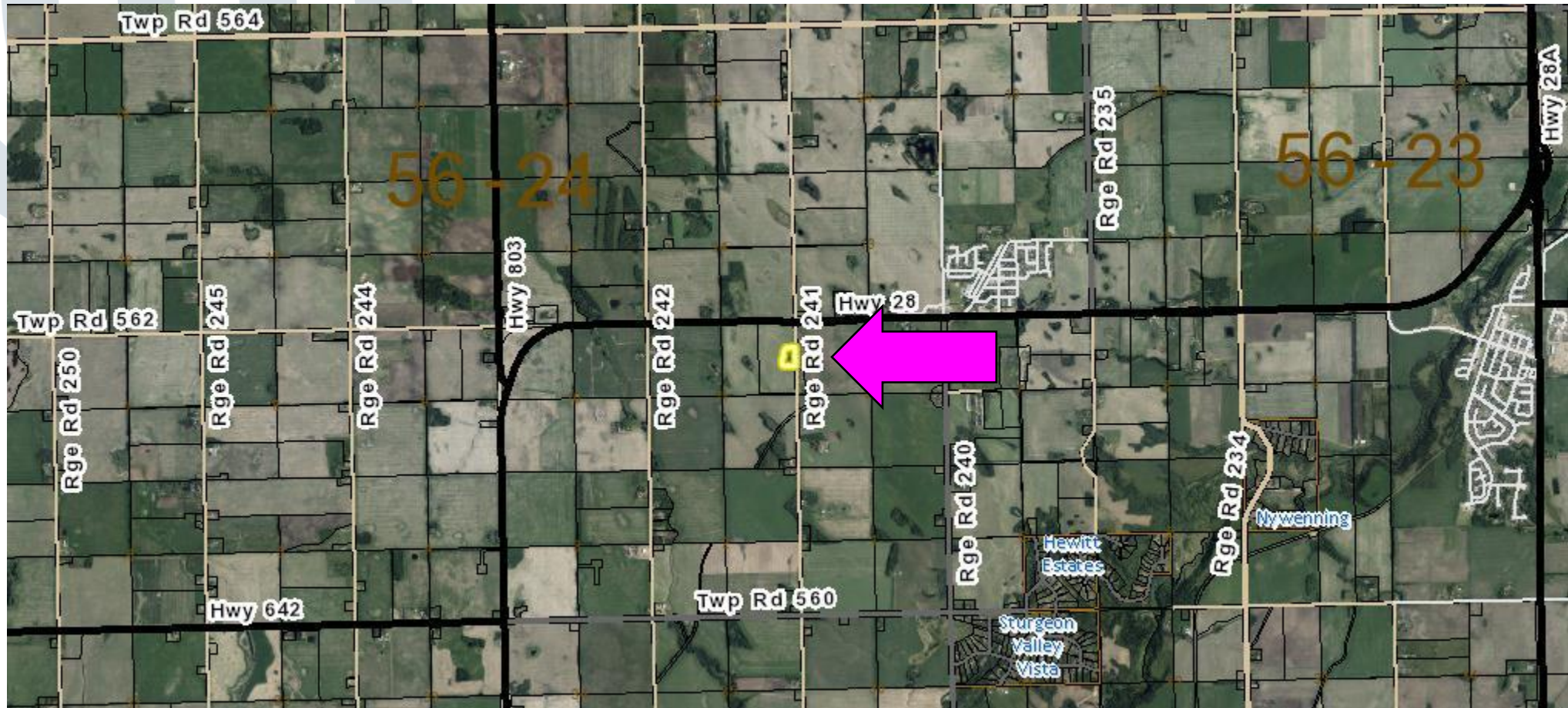
Development Authority Report

2022-08-16

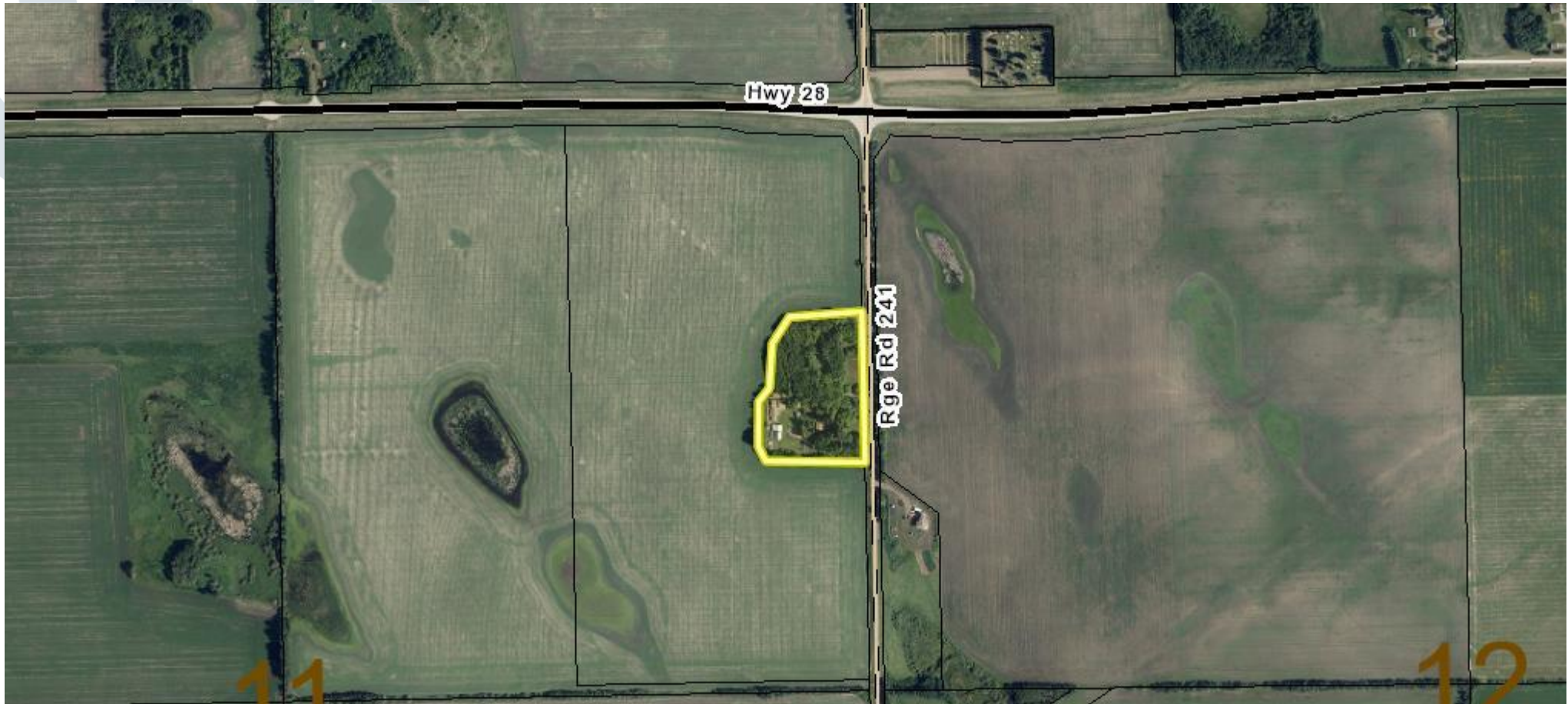


Sturgeon
C O U N T Y

Site Location



Site Location



Property Information



56124 Rge Rd 214

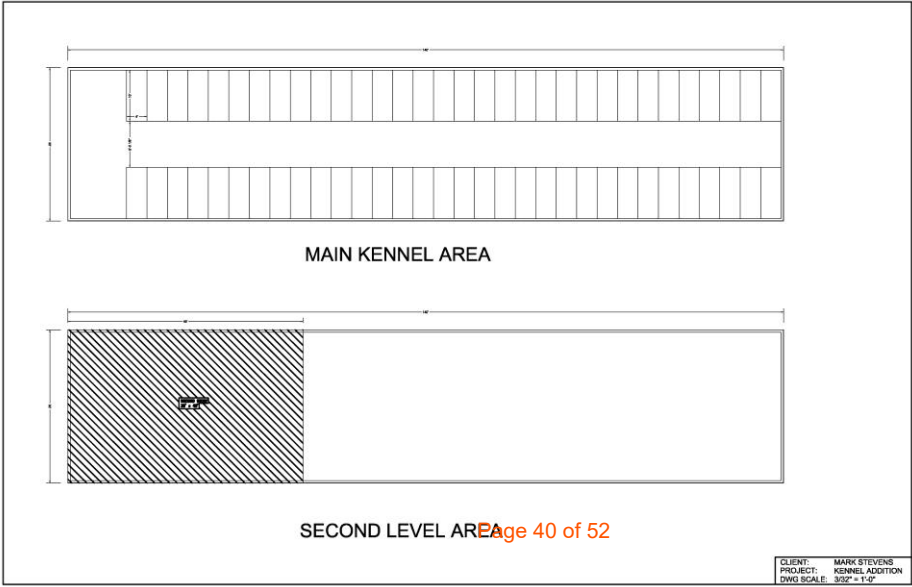
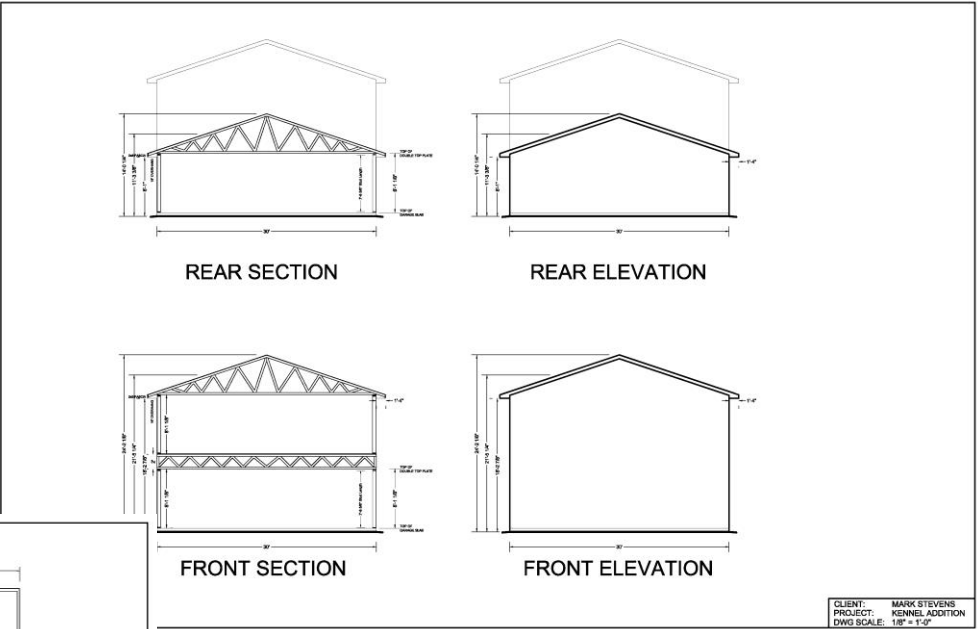
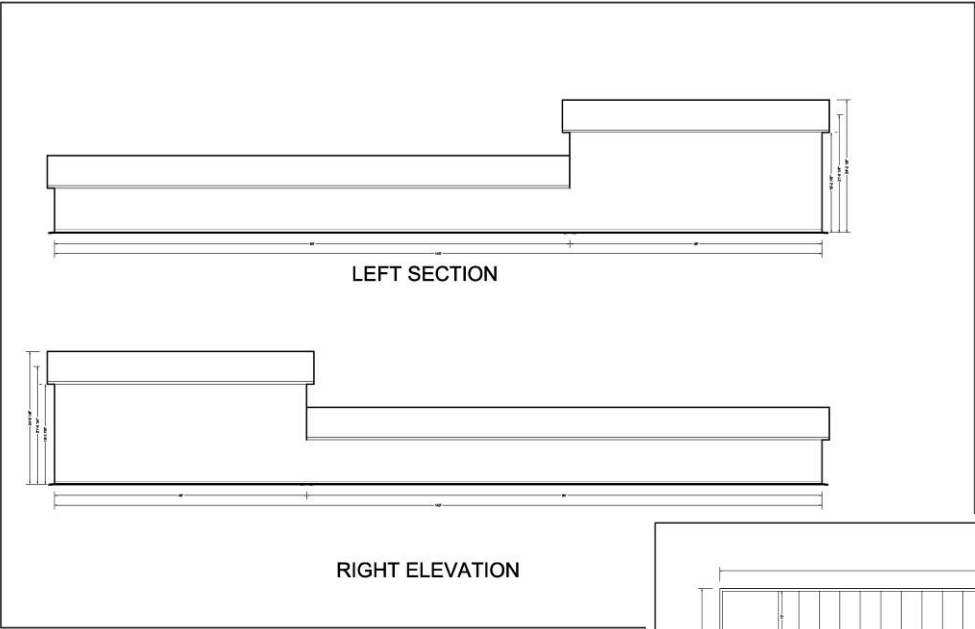
Lot 1; Plan 9720783

- 2.68ha(6.61ac) in size
- AG – Agriculture District
- Development Records
 - Letter in support of Kennel Pelikanna Kennels Reg's Labrador Retrievers - 1973
 - Compliance approved June 26, 1988
 - 305305-05-D0113 Kennel (up to 10 dogs)
 - 305305-08-D0175 Kennel (up to 35 dogs)

Application Details

- An application was received to construct a building to expand the kennel operations to accommodate up to 100 dogs and 40 cats.
- The building footprint is proposed to be 4,200ft² with a second floor of 1380ft² for a total floor area of 5,580ft².
- There are proposed to be 60 dog kennels on the bottom floor and the top floor would be an office, area to board cats and a supply room.
- They will employ an additional two employees.
- The current operation is known as Sturgeon County Kennels.

Building Plans



CLIENT: MARK STEVENS
PROJECT: KENNEL ADDITION
DWG SCALE: 1/8" = 1'-0"

CLIENT: MARK STEVENS
PROJECT: KENNEL ADDITION
DWG SCALE: 3/32" = 1'-0"

Relevant Policy & Legislation

Land Use Bylaw 1387/17

Section 2.8 Decision Process

.6 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 Municipal Planning Commission
AG - Agriculture	0.1 – 29.9%	30.0 – 50%

Section 11.1 AG – Agriculture District

.4 Development Regulations

Additional Development Regulations for AG-Residential parcels		
Maximum <i>floor area</i>	<i>Accessory building</i>	230m ² (2,475.7ft ²)
Maximum Parcel Coverage	15%	

Relevant Policy & Legislation

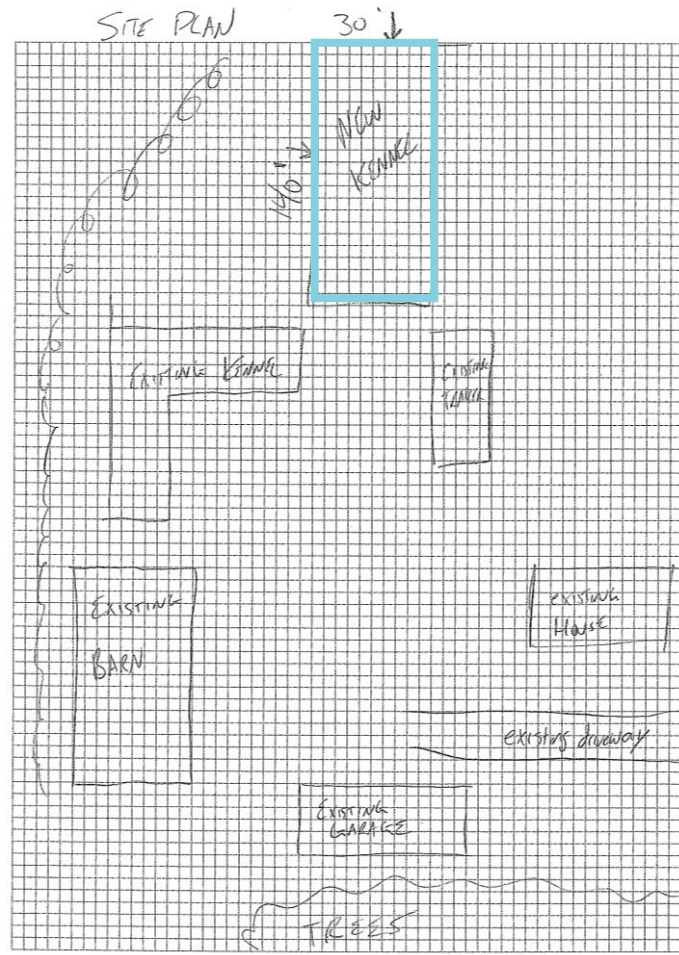
Land Use Bylaw 1387/17 – Special Regulations

Section 6.17 Kennel and Animal Boarding

1. *Kennel and animal boarding* shall not be located within 300m (984.3ft) of a *dwelling* on an *adjacent parcel*.
2. The maximum number of animals to be kept *on-site* shall be at the discretion of the *Development Authority*.
3. *Kennel and animal boarding* facilities shall:
 - (a) be adequately designed and located to reduce impact of noise on *adjacent parcels*;
 - (b) not allow animals to be outdoors between the hours of 10:00p.m. and 7:00a.m.; and
 - (c) require any outside enclosures, pens, runs or exercise areas to be *fenced* and which shall:
 - (i) not be located within a *front or flanking front yard*;
 - (ii) be visually and acoustically *screened* to the satisfaction of the *Development Authority*; and
 - (iii) not be allowed if, in the opinion of the *Development Authority*, the existence of outdoor pens, runs or exercise areas is incompatible with the use of *adjacent parcels*.

Analysis

Site Plan and Proximity to Adjacent Residence



Conclusion

The Board could support the decision of the Development Authority to refuse said development permit in keeping with Sturgeon County's Land Use Bylaw 1385/17 regulations. However, should the Board not uphold the appeal, the proposed building would have to be decreased in size as determined by the board.

Or

The Board could choose to uphold the appeal and grant the approval to construct a kennel (up to 100 dogs and 40 cats) with a variance to the maximum size of an accessory building and distance to a dwelling on an adjacent parcel, subject to the following conditions as recommended by Administration.

Conditions

1. A variance of 125% is granted to the maximum floor area of an accessory building to 518m²(5,580ft²).
2. The accessory building shall be designed to reduce impacts of noise on adjacent parcels.
3. A variance of 23% was granted to allow the kennel facility to be located 230m from an existing adjacent dwelling in accordance with Section 2.8.6 of Land Use Bylaw 1385/17. A separate building permit is required and shall be in conformance with the current regulations of the Alberta Building Code.
4. Separate gas, plumbing, electrical permits and private sewage disposal systems permits shall also be obtained as required.
5. The minimum building setbacks to be adhered to are:

Front yard	35m (114.83ft)
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Rear yard	6m (19.69ft)
1. The maximum number of animals onsite shall not exceed 100 dogs and 40 cats.
2. All outdoor enclosures, pens, runs or exercise areas shall be fenced and shall not be located within the front yard.
3. Animals shall not be permitted to be outdoors between the hours of 10:00 PM to 7:00 AM.
4. Parking for staff and clients shall be provided for on-site.
5. Access to the site shall be via the existing approach and shall be in conformance with the specifications of Sturgeon County's General Municipal Servicing Standards.
6. Any sign to be placed on the land or building is subject to separate development permit approval.
7. Future expansion of the facility shall require a new application for a Development Permit.
8. 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. In the event that drainage of a 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.
9. Exterior storage of good and materials associated with this approval shall be kept in a clean and orderly manner at all times and shall be screened from roads and adjacent residential uses to the satisfaction of the Development Authority.
10. If the development authorized by this permit is not commenced within 12 months from the date of its issuance, or is not carried out with reasonable diligence, the permit approval ceases and the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Approving Authority.
11. Any excavation, storage or piling up of materials required during the construction stage shall have all necessary safety measures undertaken and the owner of such materials or excavation assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

Conditions continued

Advisory Notes:

1. Kennel and Animal Boarding means a development used for the treatment, breeding, boarding or training of four or more animals which are not owned by the resident of the dwelling unit on the parcel.
2. Should traffic to the site become a concern for the County, a Road Use Agreement may be required.
3. The boarding facility should be operated in accordance with the Code of Practice for Canadian Kennel Operations.
4. The applicant shall comply with the conditions of Permit No. RSDP026899 issued by Alberta Transportation.
5. FireSmart principals are recommended to be incorporated into all development near forested areas. To download the Firesmart resources appropriate for your development, please visit www.wildfire.alberta.ca/fire-smart.
6. Please contact Alberta 1 Call at 1-800-242-3447 for utility locates at least two days prior to the commencement of construction. The development cannot encroach into or over a utility easement or right of way.
7. It is the responsibility of the developer to ensure that the applicant/landowner complies with any federal or provincial laws/legislation and that any required permits are obtained. All development will comply and be consistent with any license, permit, approval, authorization, regulation, or directive established by the Alberta Energy Regulator and Alberta Environment. The applicant/landowner must also comply with the conditions of any easement of covenant which affects the development.

022-STU-13

Development Authority Report

2022-08-16

**APPELLANT
SUBMISSIONS
RECEIVED**

August 11, 2022

To: Subdivision and Development Appeal Board (SDAB)

RE: Appeal of the 56124 RR 241 Development – 305305-22-D0201

Dear Members of the SDAB:

We are the appellants of the 56124 RR 241 Development in Sturgeon County and respectfully submit our reasons to overturn the decision of Planning & Development Services and allow the development including variances for (i) distance to the adjacent dwelling and (ii) maximum size for an accessory building.

The Reasons for Appeal

We respectfully request that the SDAB accept the appeal filed **on July 21, 2022**, and overturn the decision of Planning & Development Services on the grounds that:

1. The appellants currently operate a kennel service known as “Sturgeon County Kennels.”
2. The proposed development is within the scope of discretionary uses in Section 11.2 of the Land Use Bylaw (LUB) for an Agricultural Residential (AG – Residential) district and is consistent with the current use of the property.
3. Respecting the “distance to adjacent dwelling” variance:
 - a. The only neighbor living within 300m of the kennel, as described in Section 6.17.1, understands the development’s proposed size and number of kennels and has signed a letter of support respecting this development.
 - b. Noise does not currently affect the neighboring parcel. Neither the neighbor nor the appellant expects the proposed development to become a nuisance because the building locates kennel operations further from the neighboring parcel. In addition, the proposed development should *improve* acoustical screening because dense trees will surround the new building, unlike our existing building.
 - c. Our hours of operation respect the requirement under Section 6.17.3(b) to close from 10:00 pm to 7:00 am. We are closed from 8:00 pm to 7:00 am.
4. Respecting the “maximum size for an accessory building” variance:
 - a. Alberta Transportation has approved the expansion of kennel operations to 100 dogs and 40 cats. We want to maximize our ability to operate under the Alberta Transportation conditions, utilize the north side of the property to its best and highest use by abutting the 300m Highway 28 setback, and make the investment

in the most sensible and economical way possible.

- i. The building is 140' long because that places the southern entrance close to existing kennel operations. The northernmost part of the building would abut to the 300m setback required from Highway 28.
 - ii. The building is 30' wide to accommodate kennels on both sides, with adequate space between the kennels for operational and cleaning needs.
- b. We do not anticipate that the increased traffic resulting from the new building will place unreasonable traffic demands on Range Road 241 or the Highway 28 turnoff. On the busiest day of the year, we anticipate approximately three vehicles per hour. All other times of the year would be significantly less than that. Our explanation for how we approximated three vehicles per hour has been provided to administration. This figure is also consistent with the approval granted by Alberta Transportation.
- c. Parking is not an issue, given the parcel size and anticipated traffic demands.
- d. Section 11.1.4 of the LUB limits accessory buildings to a maximum floor area of 230m² (2,475.7ft²) for AG-Residential. However, we note our parcel's unusual size (6.67 acres) is closer to an AG-Minor Parcel size (9.8 acres at minimum) than a standard AG-Residential size (typically 2.47 acres). Section 11.1.4 allows the maximum floor area of accessory buildings for AG-Minor parcels to be 465m² (5,005.2ft²), more than double what is allowed on AG-Residential.
- e.
 - i. Our 5,580ft² building is near the 5,005.2ft² area permitted for AG-Minor parcels. It would not be out of the ordinary to have a building of this size in Sturgeon County. Further, the dense trees visually screen the building and is unlikely to be visible from Highway 28 or Range Road 241.
 - ii. Additionally, the footprint of the building is 4,200ft², which is under the area permitted the AG-Minor parcels. 1,380ft² relates to the proposed second floor of the building.
- f. The bylaw's intent respecting the restriction for floor area in AG-Residential parcels should be interpreted together with the 15% restriction on parcel coverage. Our interpretation is that agricultural parcels with too many buildings/developed floor spaces are unsightly, risk inconsistency with Regional Master Plans, and should be rejected in Sturgeon County. However, the proposed development will only change our parcel coverage from 2.6% to 4.1%. This is far below the 15% prescribed in the LUB and should be viewed as mitigating the underlying problem

anticipated by the LUB.

5. The community has higher demands for boarding services. Our waiting list has 200 bookings for August 2022. For context, we currently operate with 35 kennels. We have also observed more people purchasing companion animals during the pandemic. With the pandemic over, travel is returning to normal volumes, but these new companion animals do not have a boarding facility to board at. This means many people are unable to find boarding accommodations and so may restrict their travel plans to pet-friendly locations and travel with their pets. Alternatively, many people will not travel for the duration they want, where they want, or may not travel at all. There is a community benefit to increasing access to kennel services and removing a constraint in the tourism industry.
6. There is no other indication the proposed development would unduly interfere with the amenities of the neighborhood or materially interfere with the use, enjoyment, or value of neighboring parcels of land.

Summary

We, the appellants, respectfully request that the SDAB accept the appeal filed on July 21, 2022, and overturn the decision of the Planning and Development Services on the grounds that:

- 1) The proposed Kennel and Animal Boarding development is a discretionary use outlined in Section 11.2 of the LUB and would be part of an existing Kennel and Animal Boarding operation.
- 2) There are broader public and community benefits, neighbor support, approval from Alberta Transportation, and the ability to locate the building within dense trees to mitigate concerns that might be raised. These factors together greatly support the appeal.
- 3) It is reasonable in the circumstances to vary the “distance to adjacent dwelling” requirement in light of the neighbor’s support for the development.
- 4) It is reasonable in the circumstances to vary the “maximum size for an accessory building” requirement while remaining consistent with the bylaw’s intention underlying maximum floor area restrictions.

RESPECTFULLY SUBMITTED BY THE APPELLANTS:

Mark Stevens

Clyde Stevens

Severed in line with Section 17 of the FOIP Act

ADJACENT LANDOWNER WRITTEN SUBMISSIONS

***NOTE:**

No submissions were received at the
time of publication of the Agenda