

**AUGUST 30, 2022**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**HEARING AGENDA**  
**COUNCIL CHAMBERS AND VIDEOCONFERENCE**  
**1:00 p.m.**

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

**2. SCHEDULE OF HEARINGS:**

2.1 Appellant: Sam & Shelley Cupelli      022-STU-013      Development Appeal

**3. ADJOURNMENT**

**SUBDIVISION & DEVELOPMENT APPEAL BOARD**

<b>Site Information:</b>	
Municipal Address of site:	27514B TWP Road 545
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter)	SE 31-54-27-W4
Development Permit number or Subdivision Application number:	305305-22-D0219
Date Received Stamp	
<b>Appellant Information:</b>	
Severed in line with Section 17 of the FOIP Act	
Name:	Saverio (Sam) and Shelley Cupelli
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

We were considering renovating the existing building. After talking to our engineer, he suggested to take it all down and to leave the basement walls and joists. The reason being, the old construction is 2x4 with ship lap exterior walls and tare paper,we would like to bring it up to todays building codes. That means 2x6 construction plywood and house wrap.

(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.

Severed in line with Section 17 of the FOIP Act

<b>Signature of Appellant/Agent:</b>	<b>Date:</b>
--------------------------------------	--------------

FOR OFFICE USE ONLY		
<b>SDAB Appeal Number:</b>	Appeal Fees Paid:	Hearing Date:
	<input type="checkbox"/> Yes <input type="checkbox"/> No	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)**

Cupelli Residence Cont.

As far as the front porch goes or entrance extension we need that 70 square feet for the interior stairs, as it is now it takes up a lot of the main level.

Thanks

Saverio ( Sam ) Cupelli

Severed in line with Section 17 of the FOIP Act



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

SAM CUPELLI

Receipt Number: 202205685  
 GST Number: 107747412RT0001  
 Date: 2022-08-04  
 Initials: AN

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	

August 10, 2022

SDAB File Number: 022-STU-013

Dear Sam and Shelley Cupelli:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 31-54-27-W4 (27514B Township Road 545)  
Decision Regarding Proposed Development: To rebuild a single detached dwelling on an existing foundation and to construct a front porch addition (2.1 metres x 3.0 metres in floor area).

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Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on August 4, 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 30, 2022 at 1:00 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 898 283 06#. 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 August 25, 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

August 10, 2022

SDAB File Number: 022-STU-013

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:	SE 31-54-27-W4 (27514B Township Road 545)
Decision Regarding Proposed Development:	A development permit was refused to rebuild a single detached dwelling on an existing foundation and to construct a front porch addition (2.1 metres x 3.0 metres in floor area).

**Appellants/Applicants: Sam and Shelley Cupelli**

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

- An Engineer suggested that the existing building be taken down as it is old construction and should be rebuilt to meet current building codes.
- The size of the porch extension is required to accommodate the interior stairs.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 30, 2022 at 1:00 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 898 293 06#. 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 August 25, 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.

**SUBDIVISION and  
DEVELOPMENT**  
APPEAL BOARD

Sturgeon County  
9613-100 Street, Morinville, AB T8R 1L9

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

# Development Permit 305305-22-D0219 Renovation and Front Porch Addition

27514B TWP RD 545 SE 31-54-27-W4

9-Aug-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

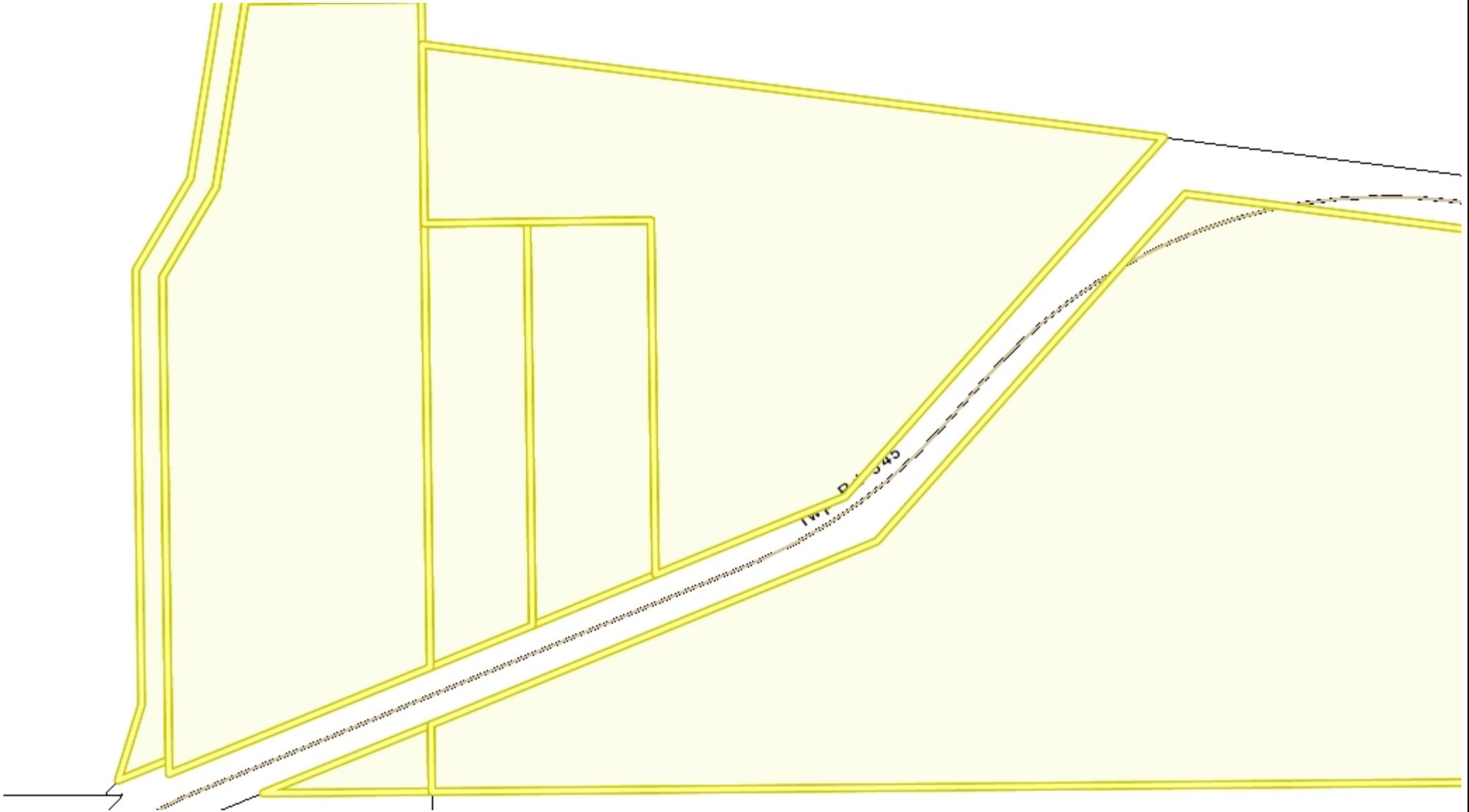
Prepared By: Development Services  
Page 9 of 49



# 22-D0219, Circulation Map

Map Subtitle

9-Aug-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 10 of 49



## **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: Jul 29, 2022

Permit Number: 305305-22-D0219

To: Cupelli, Saverio (Sam) and Shelley

Severed in line with Section 17 of the FOIP Act

Re: Decision of the Development Officer

Please be advised that development permit #305305-22-D0219 to rebuild a single detached dwelling on existing foundation and to construct a front porch addition (2.1m x 3.0m in floor area) was **REFUSED** on Jul 29, 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 appeal must be received by the Subdivision and Development Appeal Board by **August 19, 2022**.

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

Severed in line with Section 17 of the FOIP Act

Permit No.:	305305-22-D0219
Tax Roll No.:	4449000
Decision Date:	Jul 29, 2022
Effective Date:	Aug 19, 2022

### Applicant

Name: Cupelli, Saverio (Sam) and Shelley  
Address:

Phone:  
Cell:  
Email:

### Owner

Name: Cupelli, Saverio (Sam) and Shelley  
Address:

Phone:  
Cell:  
Email:

### Property Description

**Legal Land Description:** SE 31-54-27-W4  
**Land Use Description:** (AG) Agriculture District  
**Rural Address:** 27514B Twp Rd 545

### Description of Work

To rebuild single detached dwelling on existing foundation and to construct a front porch addition (2.1m x 3.0m in floor area)

### Fees

Discretionary Use / Variance Request, Residential Development \$210.00

### Permit Conditions

- The existing single detached dwelling is a non-conforming building due to its age. The building was constructed in 1939, prior to requiring development permits. Pursuant to section 1.7.6 of Land Use Bylaw 1385/17, a non-conforming building may continue to be used, but the building may not be enlarged, added to, rebuilt or structurally altered except (a) to make it a conforming building; (c) in accordance with the variance powers of the Development Authority provided for in section 2.8 of this Bylaw.
- Pursuant to section 11.1.4 of Land Use Bylaw 1385/17, the minimum front yard setback for single detached dwelling is 35m (114.8ft) within the AG – Agriculture 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 dwelling’s foundation is located 11.85m (38.9ft) from the front property line.

**Minimum front yard required – 35m (114.8ft)**  
**Actual front yard – 11.85m (38.9ft)**  
**Variance required 23.2m or 66% REFUSED**

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 (Municipal Planning Commission) in the AG district is 50%. Therefore, the front yard variance to leave the dwelling (foundation) as built and to construct a front porch addition was refused.

3. Pursuant to section 11.1.4 of Land Use Bylaw 1385/17, the minimum side yard setback for a single detached dwelling is 6m (19.7ft) within the AG – Agriculture District. The dwelling’s foundation is located 4.78m (15.7ft) from the side property line.

**Minimum side yard – 6m (19.7ft)**  
**Actual side yard – 4.78m (15.7ft)**  
**Variance required – 1.22m or 20.3% GRANTED**

The variance to the side yard is granted by the Development Officer in accordance with section 2.8.6. The Development Officer may grant a variance up to 29.9% in the AG – Agriculture District.

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

**Issued By:**

**Municipality**



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

Carla Williams  
Development Officer

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**Appeal Information**

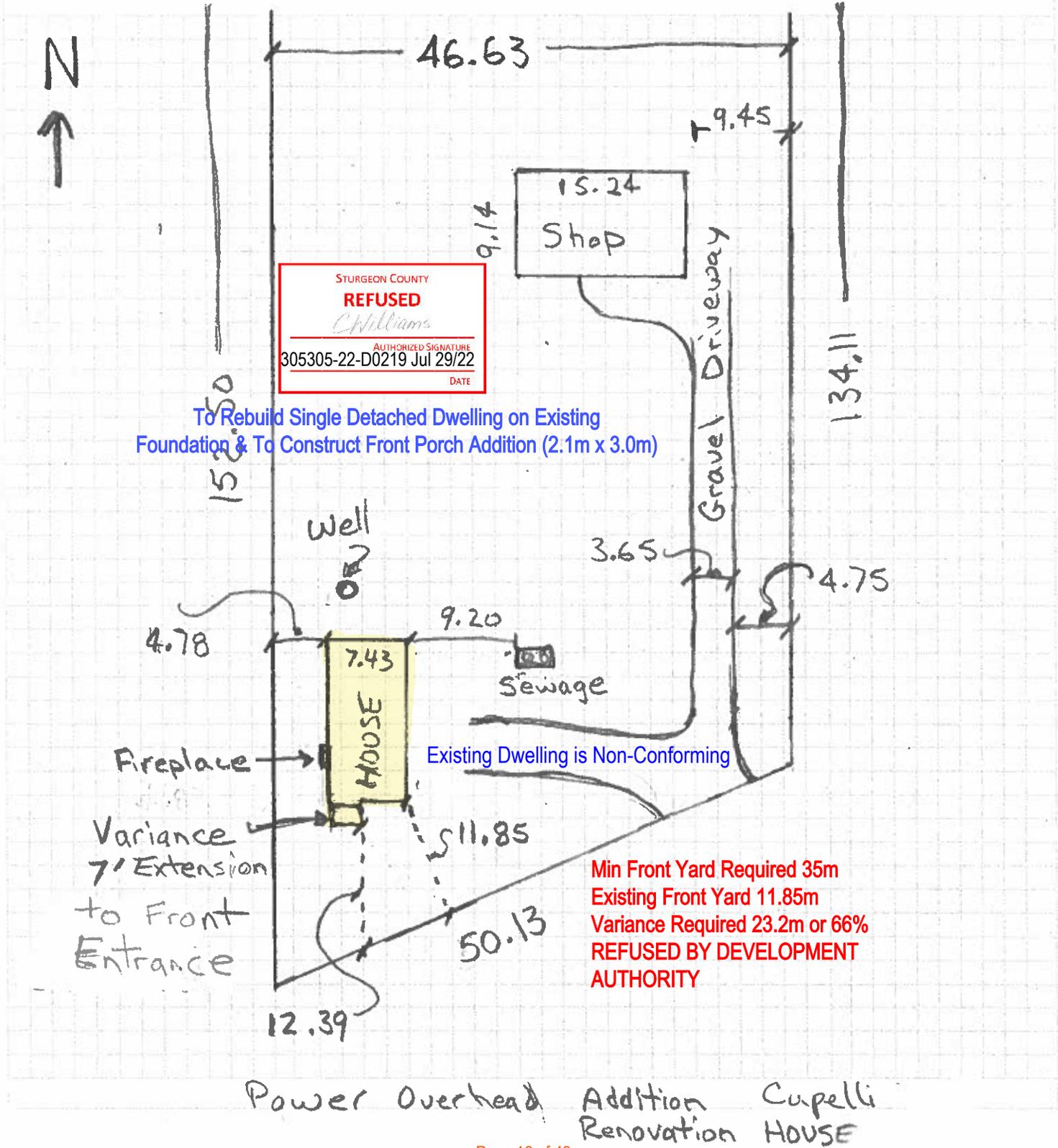
Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. If you wish to appeal this decision, please choose the correct appeal body having jurisdiction.

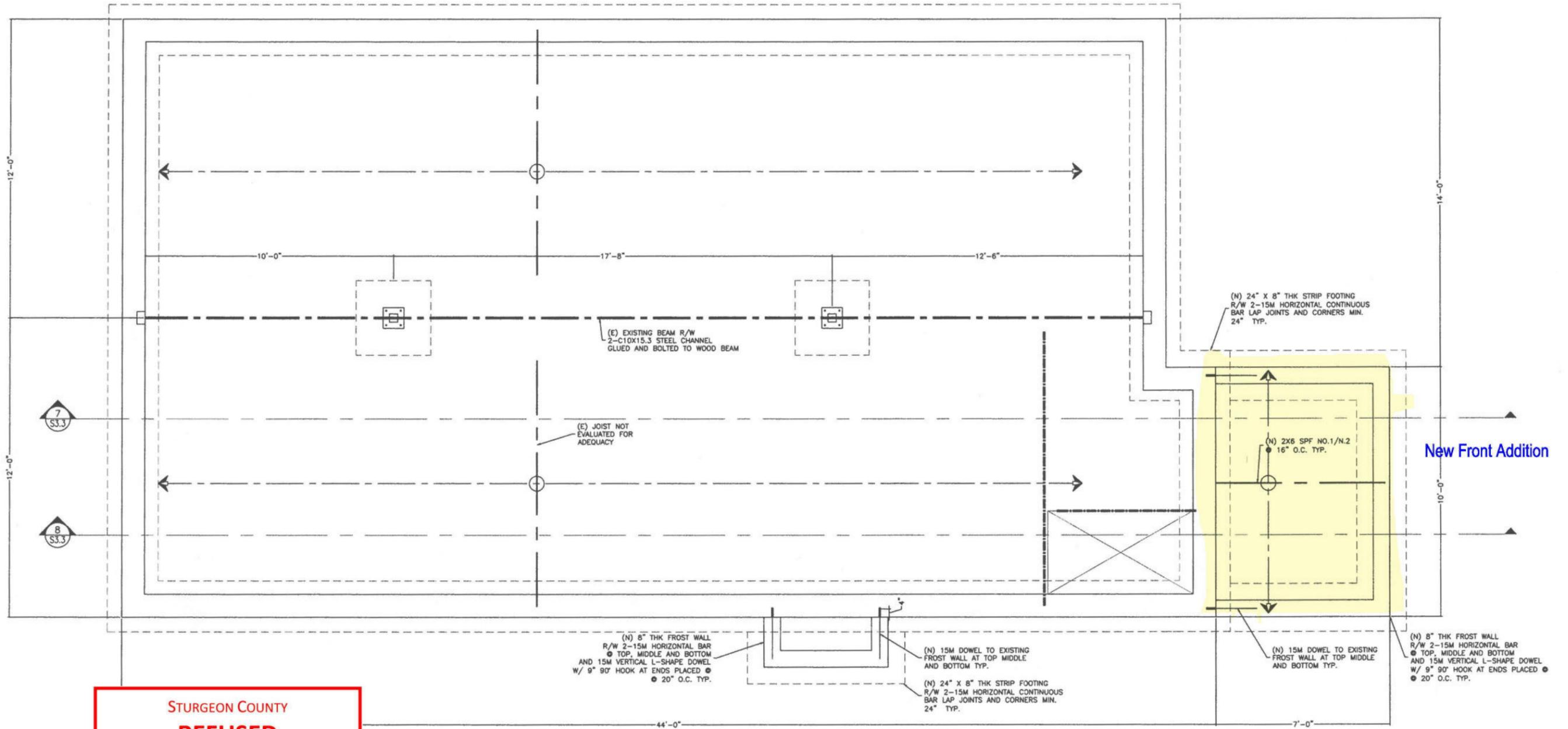
If the application is the subject of a license, permit, approval, or other authorization granted by the Minister of Environment and Parks or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act, or granted by the Natural Resources Conservation Board, 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 other 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

**SITE PLAN FOR DEVELOPMENT PERMIT APPLICATION**

Section: <b>31</b>	Township: <b>54</b>	Range: <b>27</b>	Meridian: <b>4</b>
Plan:	Block:	Lot:	
PLEASE DEFINE THE SCALE YOU USED (ex: 4 boxes = 10 metres): <b>1</b> boxes = <b>2</b> meters			





STURGEON COUNTY  
**REFUSED**  
*Williams*  
 AUTHORIZED SIGNATURE  
 305305-22-D0219 Jul 29/22  
 DATE

(A) FOUNDATION FRAMING PLAN  
 S1 SCALE: 1/2" = 1' - 0"

Severed in line with Section 17 of the FOIP Act

DRAWING ISSUANCE RECORD			
NO.	DESCRIPTION	DATE	CHANGE
1	RE-ISSUED FOR REVIEW	06/27/2022	
2	ISSUED FOR PERMIT	07/17/2022	
3		MM/DD/YY	
4		MM/DD/YY	
5		MM/DD/YY	
6		MM/DD/YY	

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 THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND AND MEASUREMENTS SHOWN ON DRAWINGS AND SHALL REPORT DISCREPANCIES, ERRORS AND OMISSIONS TO THE ENGINEER FOR CLARIFICATION BEFORE PROCEEDING WITH ANY PORTION OF THE WORK IN THE PROJECT.

**CONSULTANT**  
 **KALKATIC ENGINEERING LTD.**  
 CONSULTING STRUCTURAL ENGINEERING  
 10616 - 169 STREET  
 EDMONTON, ALBERTA, T5P 2X6

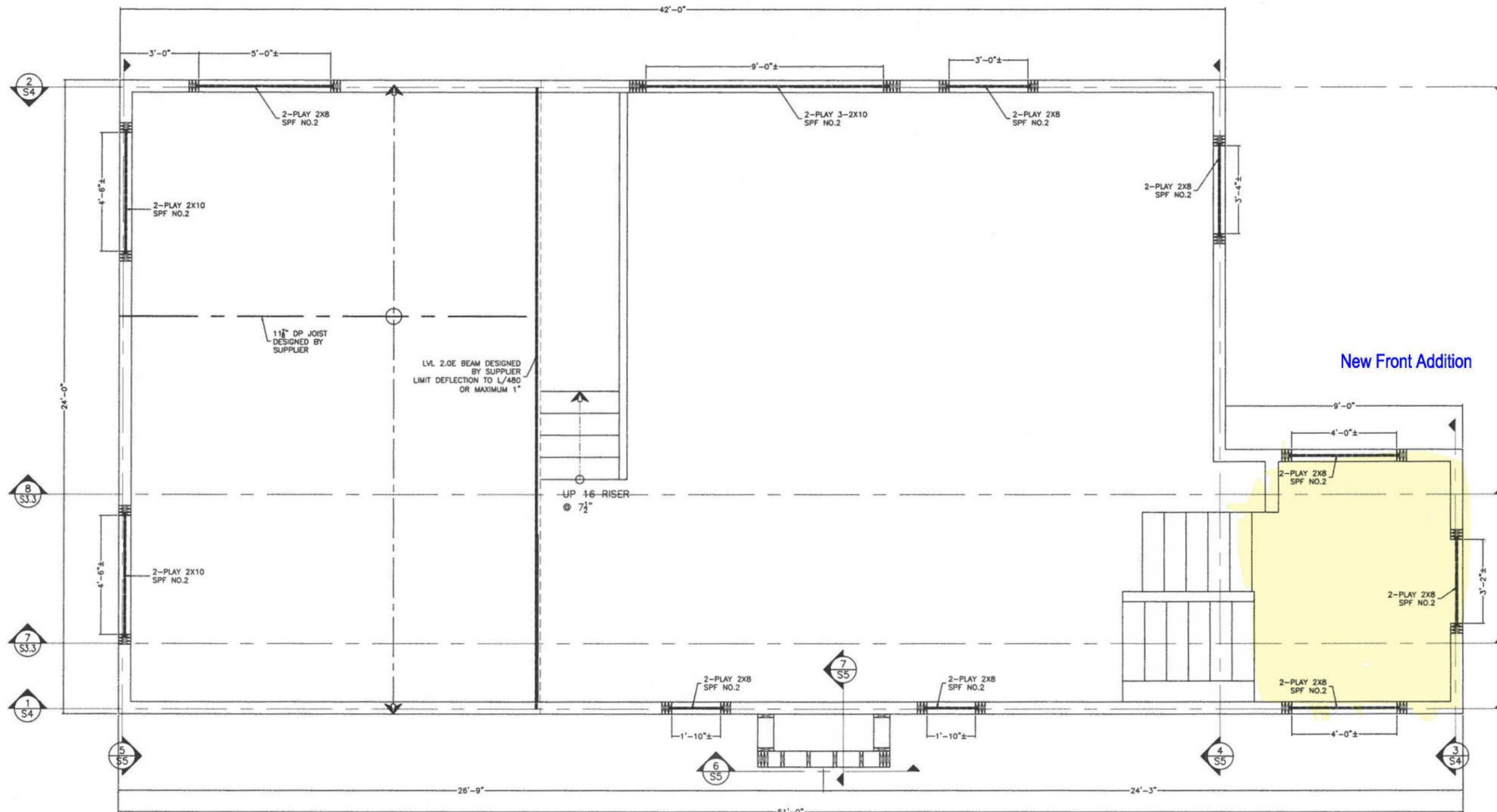
**DATE:** JULY 17, 2022  
**DESIGNED BY:** FH  
**DRAWN BY:** FH  
**CHECKED BY:** FH

**CLIENT**  
 SAM CUPELLI  
 Page 17 of 49

**PROJECT**  
 SAM RESIDENCE

**STAMP**

**DRAWING**  
 FOUNDATION FRAMING PLAN AND DETAILS



**MAIN FLOOR PLAN**  
SCALE: 1/2" = 1' - 0"

STURGEON COUNTY  
**REFUSED**  
*C. Williams*  
AUTHORIZED SIGNATURE  
305305-22-D0219 Jul 29/22  
DATE

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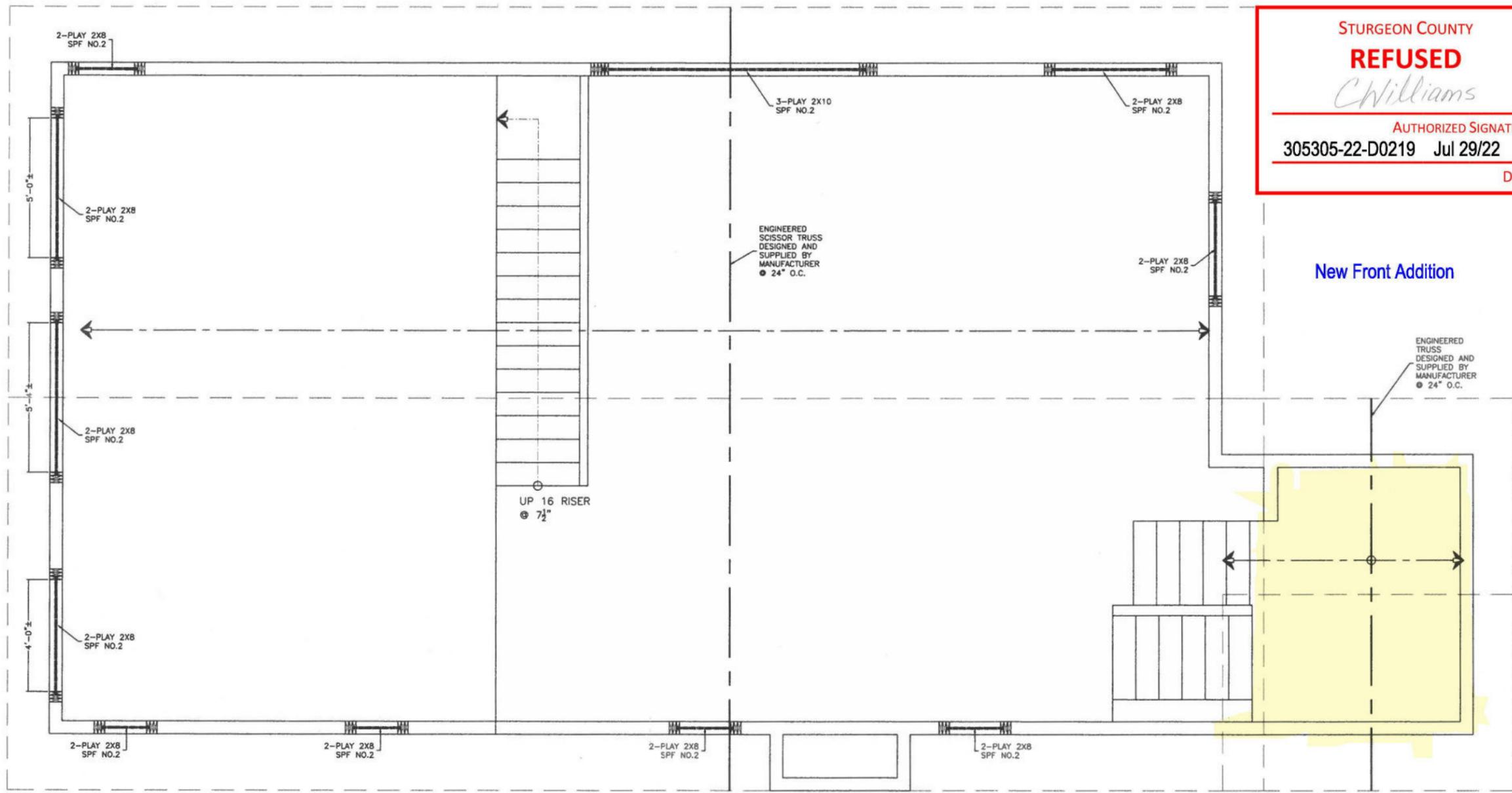
**CONSULTANT**  
**KALKATIC ENGINEERING LTD.**  
CONSULTING STRUCTURAL ENGINEERING  
10616 - 169 STREET  
EDMONTON, ALBERTA, T5P 2X6

DATE: JULY 17, 2022  
DESIGNED BY: FH  
DRAWN BY: FH  
CHECKED BY: FH

CLIENT  
**SAM CUPELLI**  
PROJECT  
**SAM RESIDENCE**

STAMP

DRAWING  
**2ND FLOOR FRAMING PLAN**



STURGEON COUNTY  
**REFUSED**  
*Williams*  
 AUTHORIZED SIGNATURE  
 305305-22-D0219 Jul 29/22  
 DATE

New Front Addition

2ND FLOOR PLAN  
 SCALE: 1/2" = 1' - 0"

Severed in line with Section 17 of the FOIP Act

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5		MM/DD/YY	
6		MM/DD/YY	

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**CONSULTANT**  
 **KALKATIC ENGINEERING LTD.**  
 CONSULTING STRUCTURAL ENGINEERING  
 10618 - 169 STREET  
 EDMONTON, ALBERTA, T5P 2X6

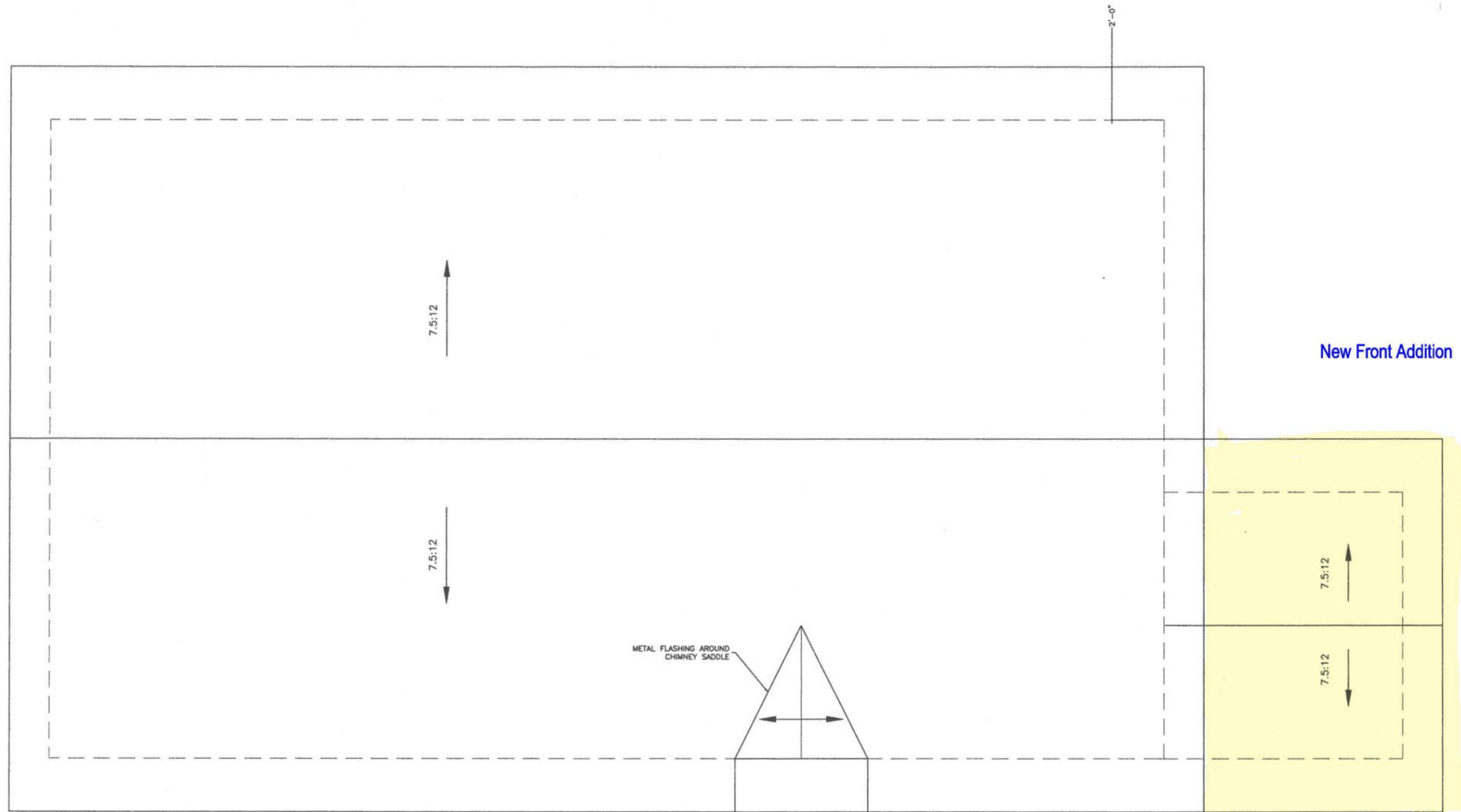
DATE: JULY 17, 2022  
 DESIGNED BY: FH  
 DRAWN BY: FH  
 CHECKED BY: FH

CLIENT  
**SAM CUPFILL**

PROJECT  
**SAM RESIDENCE**

STAMP

DRAWING  
**ROOF FRAMING PLAN**



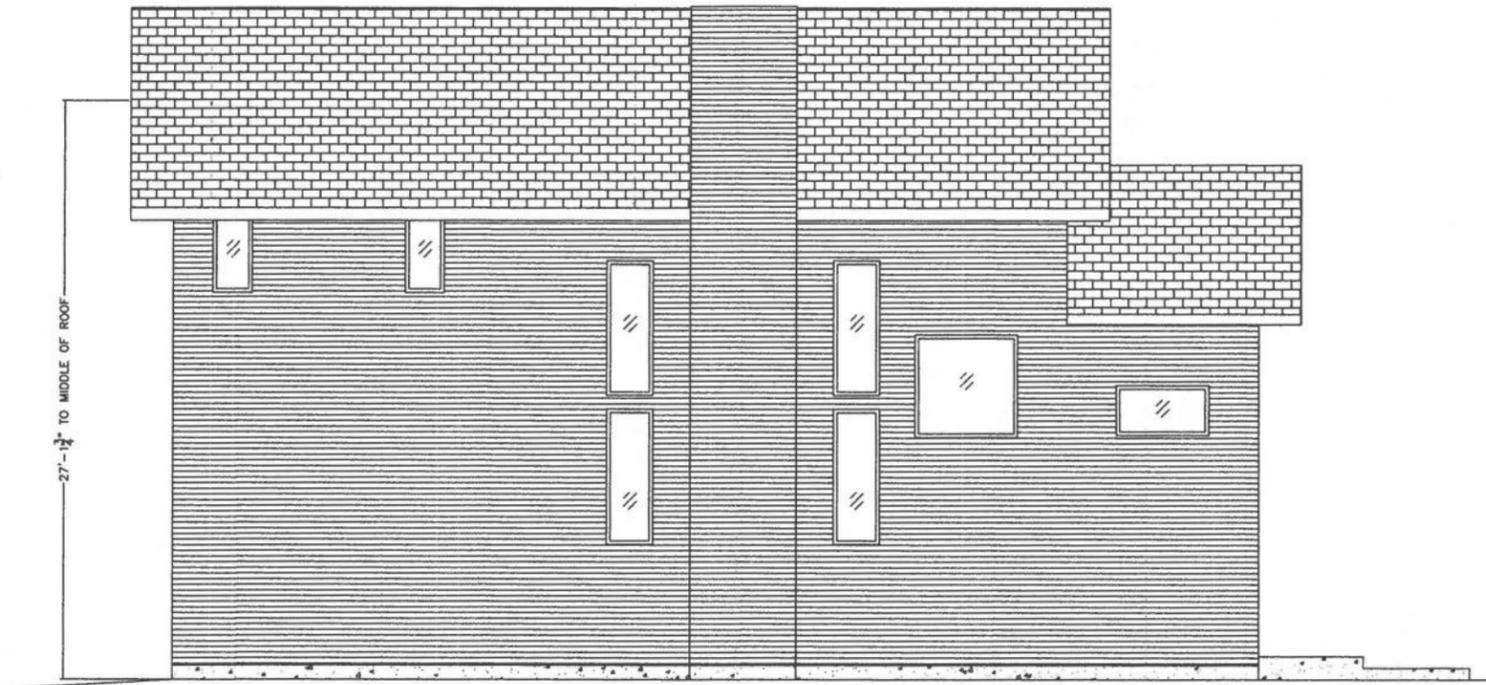
New Front Addition

A ROOF PLAN  
SCALE: 1/2" = 1' - 0"

STURGEON COUNTY  
**REFUSED**  
*Williams*  
AUTHORIZED SIGNATURE  
305305-22-D0219 Jul 29/22  
DATE

Severed in line with Section 17 of the FOIP Act

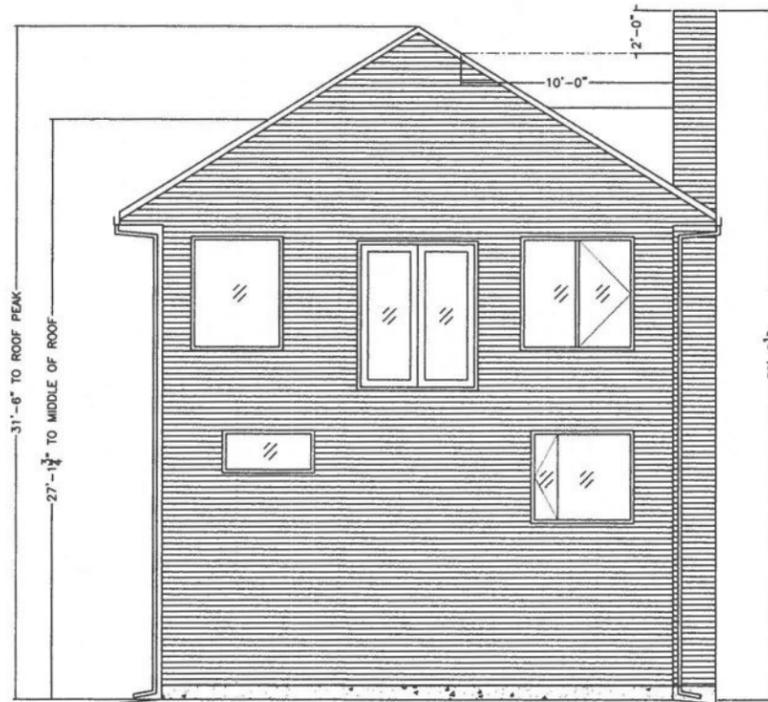
DRAWING ISSUANCE RECORD				COPYRIGHT/DISCLOSURE		CONSULTANT	DATE:	CLIENT	PROJECT	STAMP	DRAWING	
NO.	DESCRIPTION	DATE	CHANGE	THIS DRAWING IS AN INSTRUMENT OF SERVICE FOR THE SUBJECT PROJECT. THE DRAWING IS AND REMAINS THE EXCLUSIVE PROPERTY OF KALKATIC AND SHALL NOT BE USED IN WHOLE OR IN PARTS WITHOUT KALKATIC'S CONSENT.		KALKATIC ENGINEERING LTD. CONSULTING STRUCTURAL ENGINEERING	DESIGNED BY:	SAM CUPELLI	SAM RESIDENCE		ROOF PLAN	
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2	ISSUED FOR PERMIT	07/17/2022										
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A LEFT ELEVATION VIEW  
SCALE: 1/4" = 1' - 0"



A RIGHT ELEVATION VIEW  
SCALE: 1/4" = 1' - 0"



C REAR ELEVATION VIEW  
SCALE: 1/4" = 1' - 0"

STURGEON COUNTY  
**REFUSED**  
*C. Williams*  
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D FRONT ELEVATION VIEW  
SCALE: 1/4" = 1' - 0"

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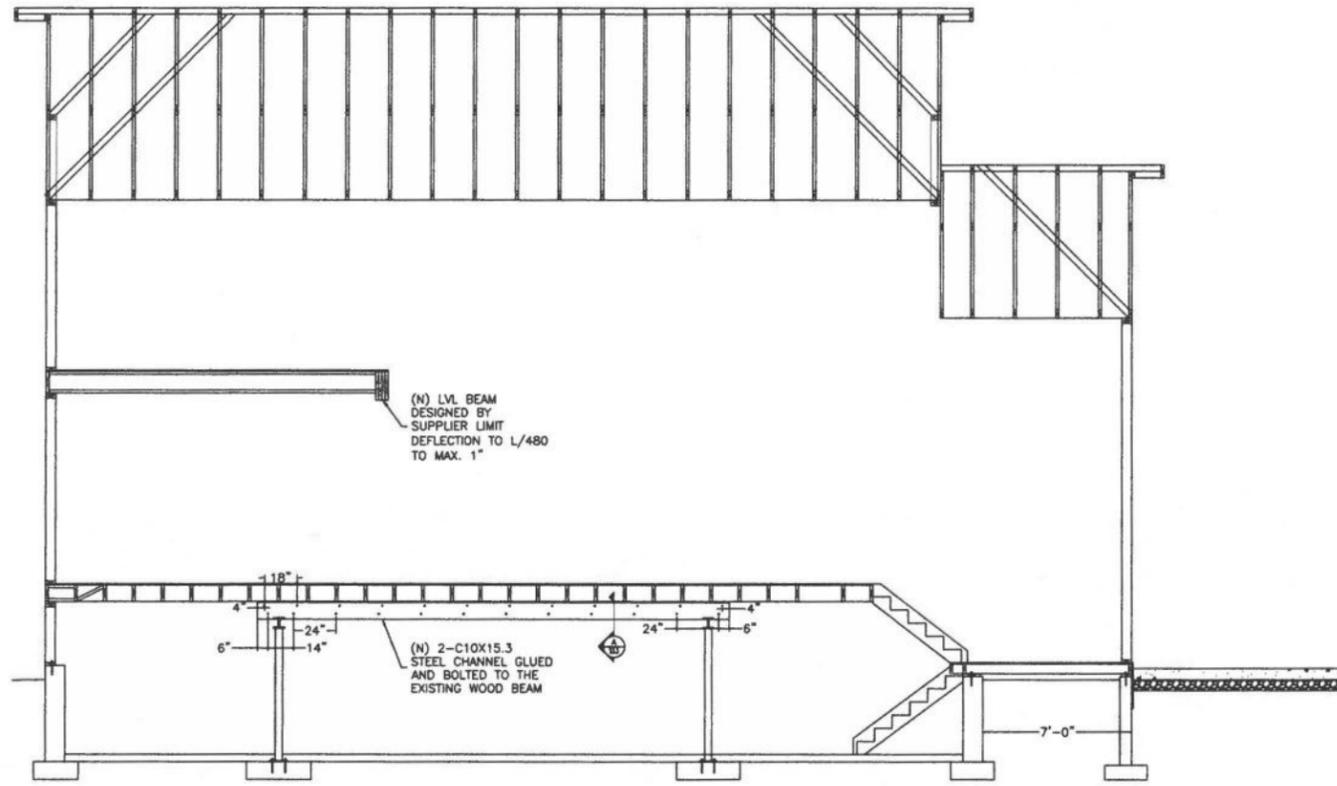
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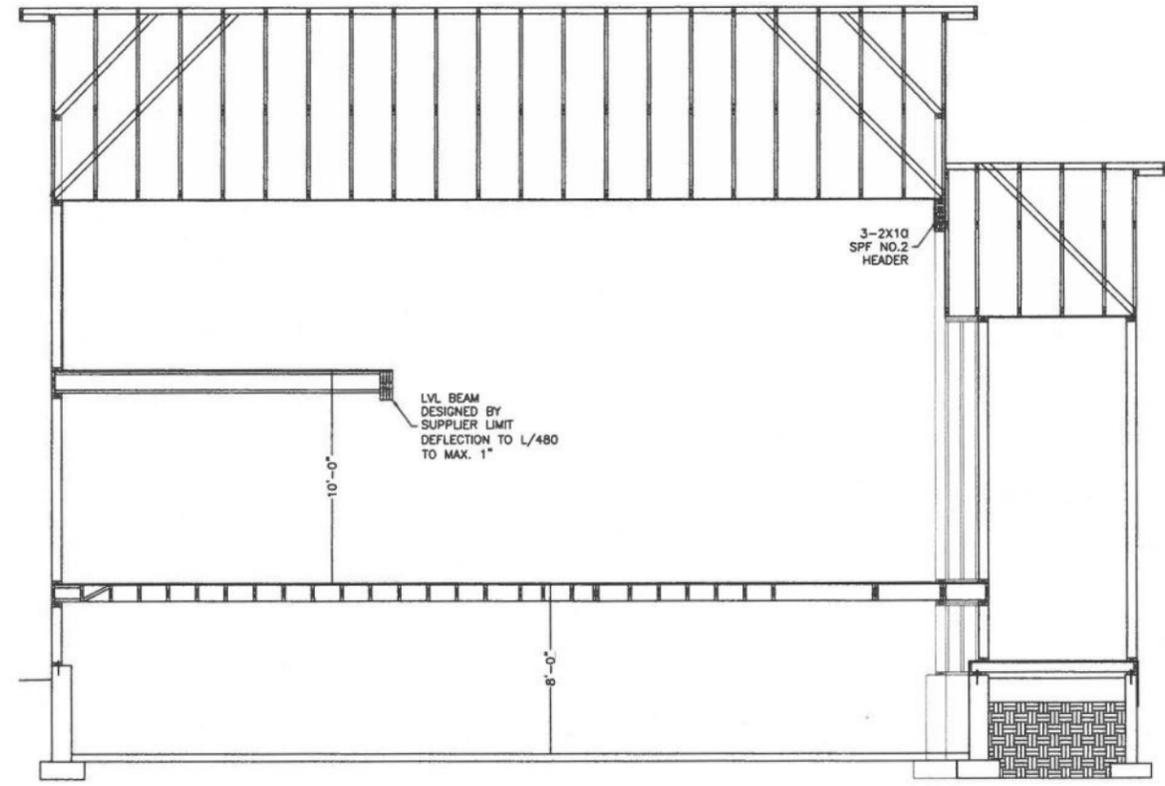
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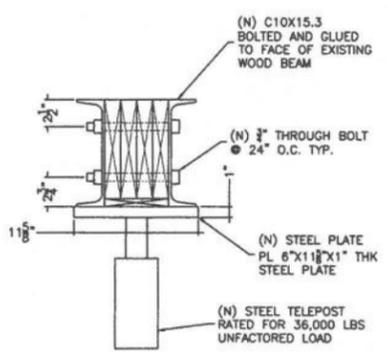
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**EXTERIOR ELEVATION VIEWS**



7 SECTION VIEW  
S2 SCALE: 1/4" = 1' - 0"



8 SECTION VIEW  
S2 SCALE: 1/4" = 1' - 0"



A SECTION VIEW  
S3 SCALE: 1 1/2" = 1' - 0"

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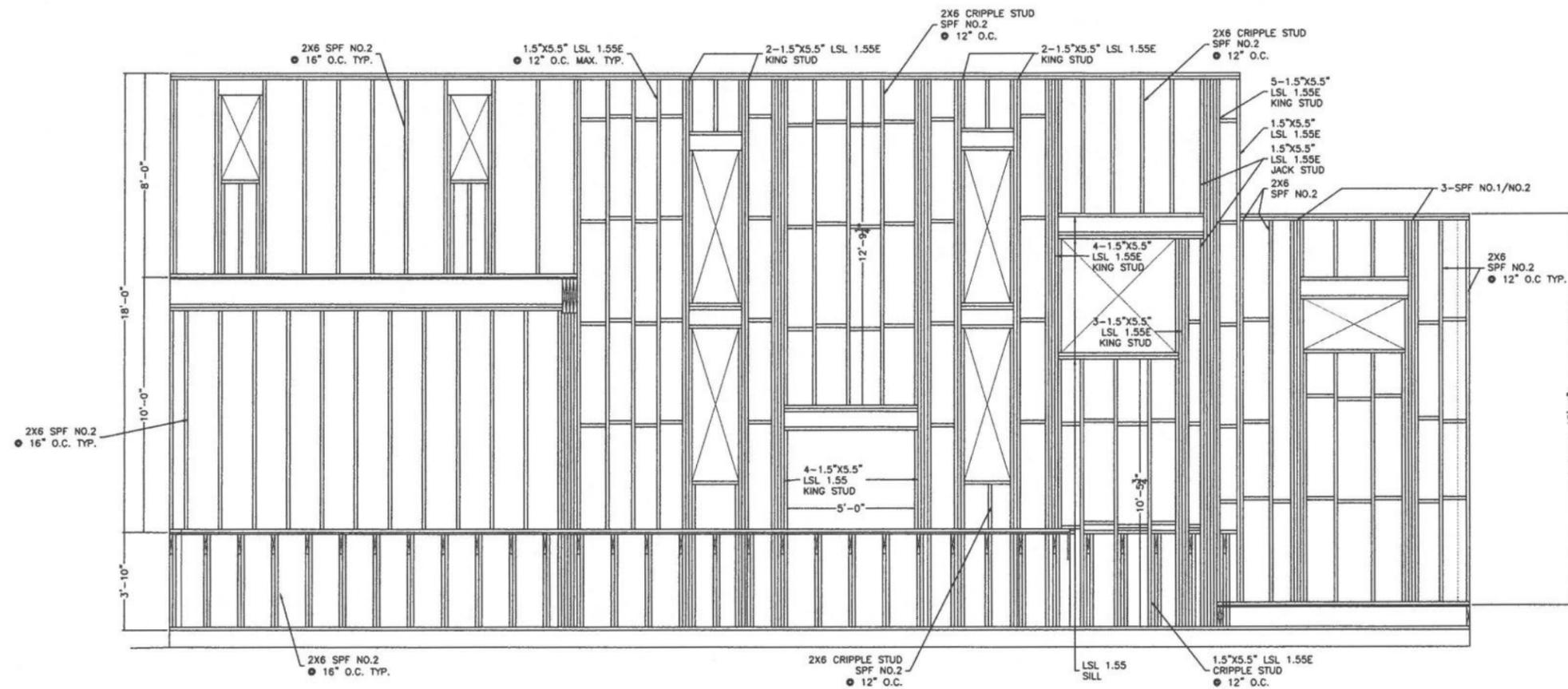
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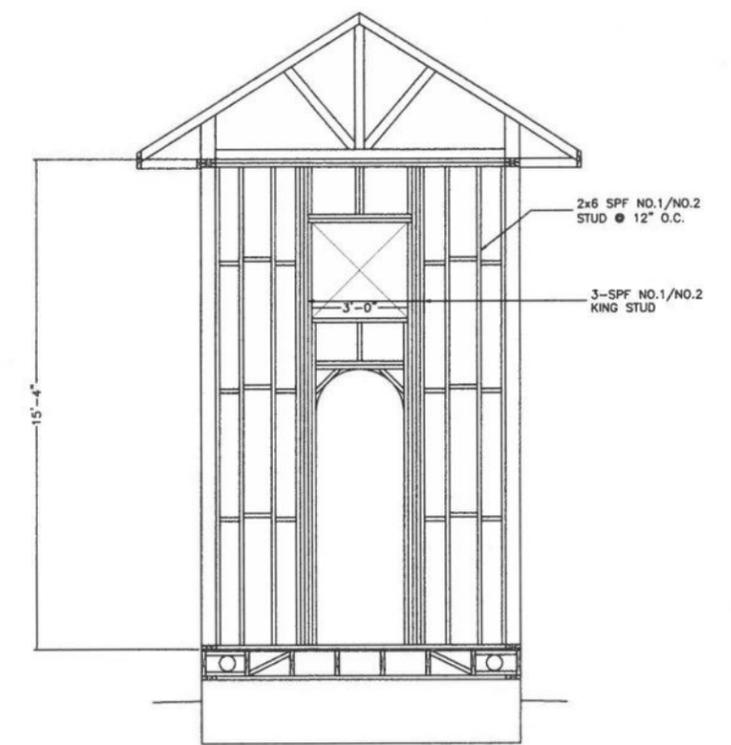
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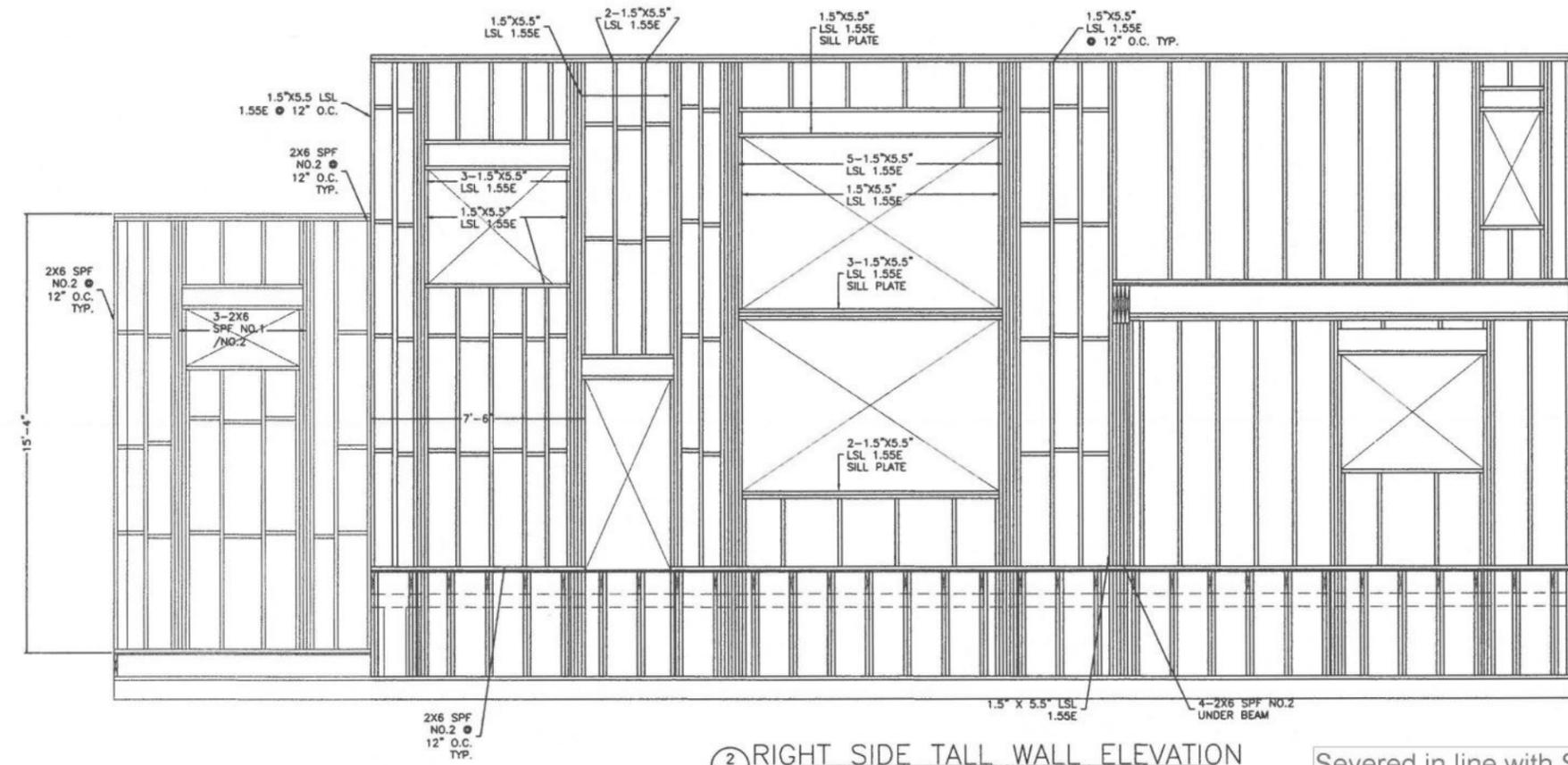
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**EXTERIOR ELEVATION VIEWS**



1 LEFT SIDE TALL WALL ELEVATION  
S4 SCALE: 3/8" = 1' - 0"



3 FRONT TALL WALL ELEVATION  
S4 SCALE: 3/8" = 1' - 0"



2 RIGHT SIDE TALL WALL ELEVATION  
S4 SCALE: 3/8" = 1' - 0"

- STUD, HEADER AND COLUMN CONNECTION
- 2X6 STUD CONNECT ENDS WITH END NAIL & L50 SIMPSON CONNECTOR
  - WINDOW DOOR COLUMNS 2X6 CONNECT ENDS WITH END NAILS & L50 ON BOTH SIDES
  - 2X8 STUD CONNECT ENDS WITH END NAIL & L70 SIMPSON CONNECTOR
  - WINDOW DOOR COLUMNS 2X8 CONNECT ENDS WITH END NAILS & L70 SIMPSON CONNECTOR
  - HEADER SILL 2X6 CONNECT ENDS WITH END NAIL & L50 TO COLUMN

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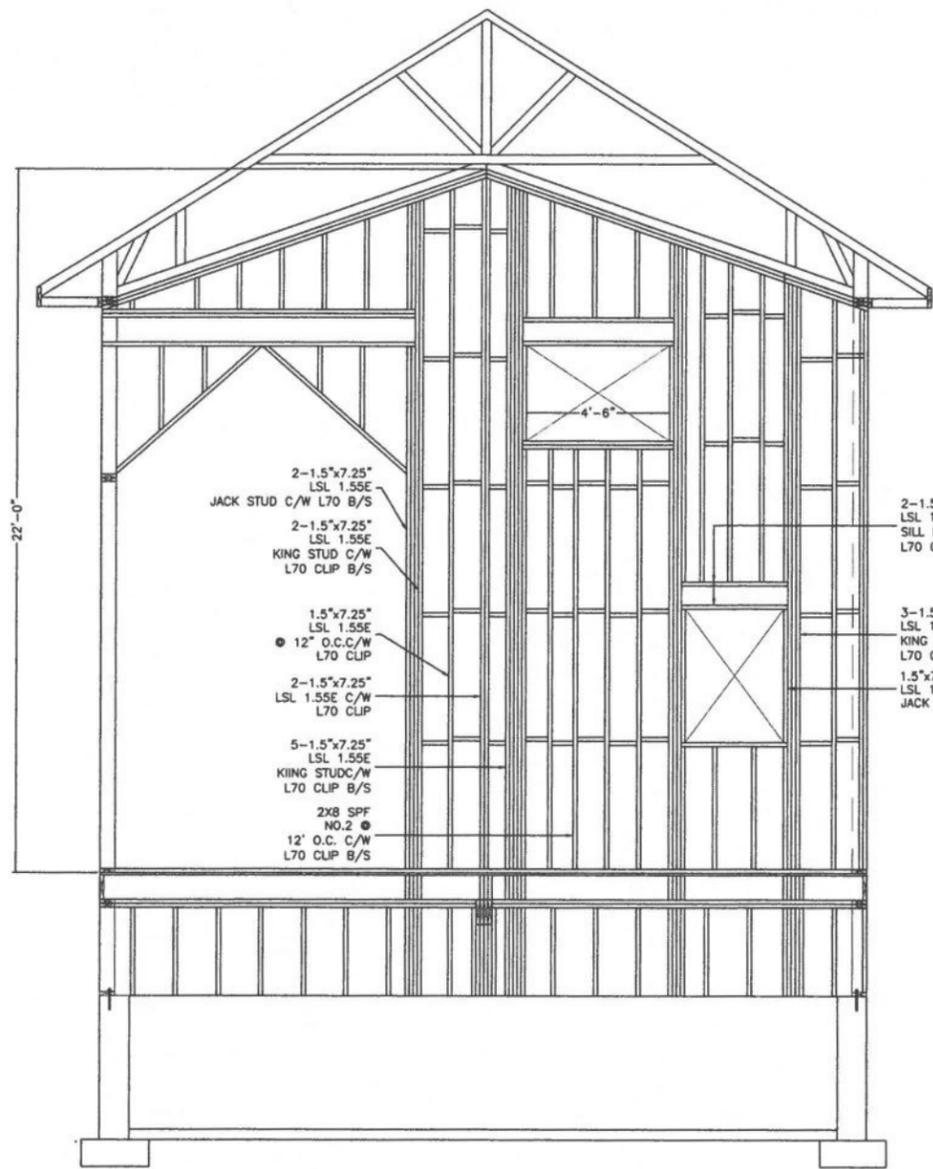
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**CHECKED BY:** FH

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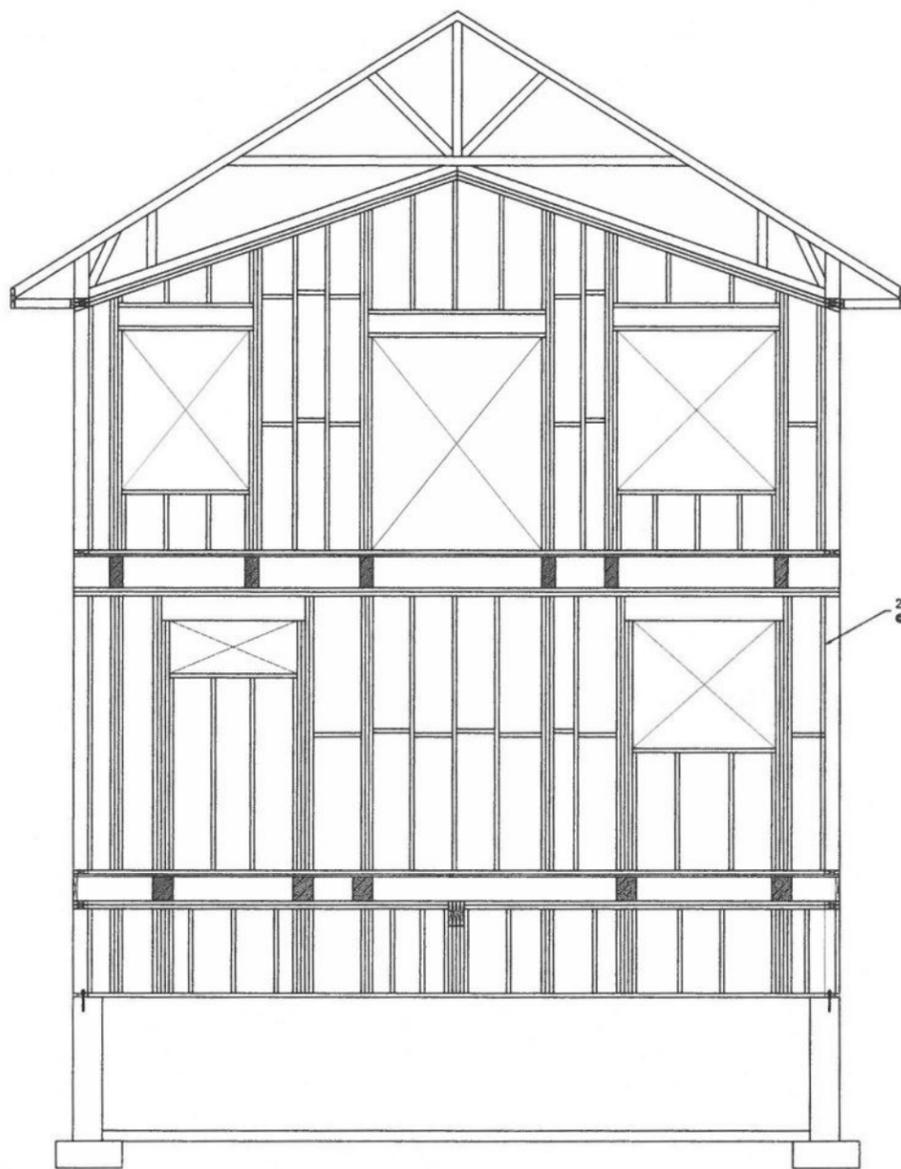
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SAM RESIDENCE

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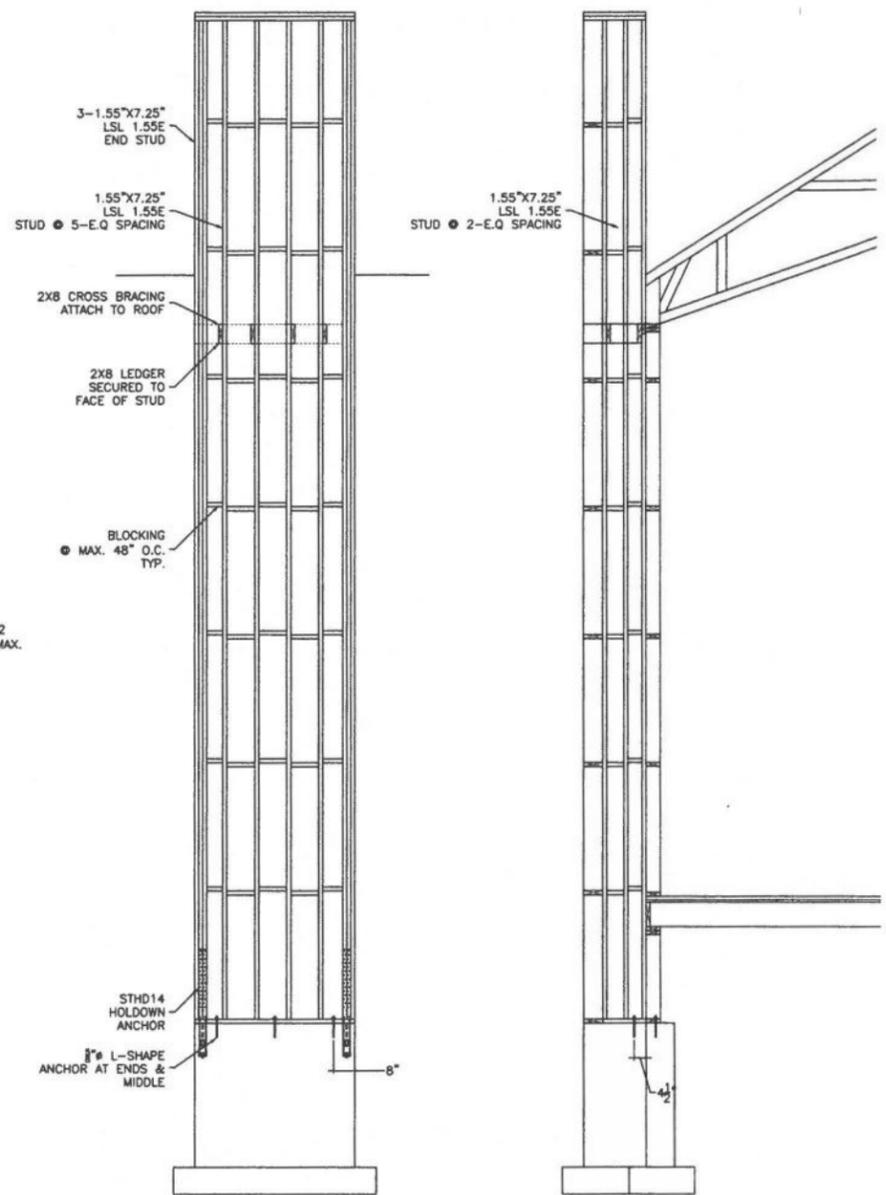
**DRAWING**  
TALL WALL DETAILS



4 SECTION  
S2 SCALE: 3/8" = 1' - 0"



5 SECTION  
S2 SCALE: 3/8" = 1' - 0"



6 SECTION  
S2 SCALE: 3/8" = 1' - 0"

7 SECTION  
S2 SCALE: 3/8" = 1' - 0"

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PROJECT  
SAM RESIDENCE

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DRAWING  
TALL WALL AND CHIMNEY DETAIL



FOR OFFICE USE ONLY

Land Use Bylaw Section	Requested Variance	Variance Percentage
11.1.4	23.1m from the required 35m front yard	66%

Land Use District AG

Roll# 4449000

Approving Authority as per Section 2.8.6 of the Land Use Bylaw

Development Officer                       Municipal Planning Commission

**Notes**

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

For Office Use  
 Permit Number: 305305-22-D0219  
 Date Received: July 21, 2022  
 Received By: DC / BS

**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.

Severed in line with Section 17 of the FOIP Act

**APPLICANT INFORMATION**

Complete if different from Applicant

Name of Applicant:	Name of Registered Land Owner: <u>Saverio &amp; Shelley Cupelli</u>
Mailing Address:	Mailing Address:
City:	Cit
Postal Code: PH:	Po
E-mail Address:	Err

Contact Name: Saverio (Sam) Cupelli

**LAND INFORMATION**

Legal Description of Property All/Part SE 1/4 Section 31 Twp. 54 Rge. 27 West of the 4 Meridian  
 OR Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan No. \_\_\_\_\_ Hamlet or Subdivision \_\_\_\_\_  
 Parcel Size: \_\_\_\_\_ Rural Address: 275148 TWP Rd 545

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

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Accessory Building	<input type="checkbox"/> Kennel	Brief Description: <u>Rebuild from the foundation + Joists up. Extend front porch 3'. Adding fireplace.</u>	Development Details: Size: <u>Existing</u> Height: _____ Start Date: <u>Foundation</u> End Date: _____
<input type="checkbox"/> Commercial	<input checked="" 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 checked="" type="checkbox"/> Other <u>Renovation</u>			Estimated Project Value: (cost of material & labour)

**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 July 21, 2022 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 July 21, 2022 Date \_\_\_\_\_

Severed in line with Section 17 of the FOIP Act

**FOR OFFICE USE ONLY**

Permitted Use  Discretionary Use   
 Fee \$ 110.00 Penalty \$ \_\_\_\_\_ Receipt # \_\_\_\_\_ Tax Roll # 449000 District \_\_\_\_\_  
 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 SERVICES REPORT

**Subdivision & Development Appeal Board**  
**File 022-STU-013****FILE INFORMATION**

Department File:	305305-22-D0219
Legal Land Description:	SE 31-54-27-W4
Relative Location:	27514B TWP RD 545
Appellant:	Sam & Shelley Cupelli
Landowner:	Sam & Shelley Cupelli
Description of Appeal:	Appealing the Decision of the Development Authority: To Rebuild Single Detached Dwelling on Existing Foundation with a Front Porch Addition
Land Use Bylaw District:	AG – Agricultural
Tax Roll Number:	4449000

**BACKGROUND**

- A development permit application was received on July 21, 2022, to rebuild an existing dwelling from the foundation with a front porch addition.
- The existing dwelling was constructed in 1939 prior to requiring development and building permits.
- The minimum front yard setback for a dwelling on an AG parcel is 35m and the minimum side yard setback is 6m. The dwelling is 11.85m from the front property line and 4.78m from the side property line. The dwelling is therefore considered to be non-conforming.
- A non-conforming building may continue to be used, but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - a) To make it a conforming building; or
  - b) In accordance with the variance powers of the Development Authority provided for in Section 2.8 of Land Use Bylaw 1385/17.

**PROPERTY INFORMATION**

- Assessment records indicate the dwelling is 1,062ft<sup>2</sup> in floor area.
- The AG parcel is 0.7ha (1.73acres) and appears to have been subdivided by the Edmonton Regional Planning Commission some time between 1961 and 1972.
- The subject parcel and building were the original site of Calahoo School.
- A compliance certificate was issued in 1997.
- In 2021, a detached shop (305305-21-D0147) was approved to be constructed on the property.

**RELEVANT POLICY/LEGISLATION**

- **Municipal Government Act (MGA)**
  - Section 643(5) Non-Conforming Building states a non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except to (a) make it a conforming building; (b) for routine maintenance of the building, if the development authority considers it necessary, or; (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.
  
- **Land Use Bylaw 1385/17**
  - Section 2.8.6 Decision Process – the Development Authority may issue a variance in the AG district up to 50%.
  - Section 2.8.6(b) Variances proposed that exceed the percentage that may be granted by the Development Authority shall be refused.
  - Section 11.1.4 Development Regulations for Principal Dwelling
    - Minimum front yard setback – 35m (114.8ft)
    - Minimum side yard setback – 6m (19.7ft)

**ANALYSIS**

- The existing dwelling was considered a non-conforming building. To allow the building to be rebuilt with a front porch addition, the building must be brought into conformance with the current Land Use Bylaw 1385/17.
- The dwelling is 11.85m from the front yard property line. The minimum front yard setback on an AG parcel is 35m. Therefore, a variance of 23.2m or 66% is required to leave the foundation as built. The variance exceeds the Development Authority's powers and therefore had to be refused.
- The minimum side yard setback on an AG parcel for a principal dwelling is 6m. The dwelling is 4.78m from the front property line, therefore requiring a variance of 1.22m or 20.3%. This variance was approved by the Development Authority as per section 2.8.6.
- The dwelling has existed since 1939 and the 2.1m x 3.0m front porch addition would not cause the building to extend any closer to TWP Road 545 than other existing structures located along this road. There are existing trees along the front and side property lines softening any impact to adjacent properties.

**CONCLUSION**

- The proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
- Administration supports the front yard variance to allow for reconstruction and a front porch addition.
- Administration recommends the application be approved with the following conditions:
  1. Prior to any construction occurring on site, a separate building permit shall be obtained and approved.
  2. The single detached dwelling is approved to be rebuilt on the existing foundation with a front porch addition (2.1m x 3.0m) in accordance with the approved site plan and construction drawings.

Minimum Front Yard 35m (114.83ft)

Actual Front Yard 11.85m (38.9ft)

**Variance Granted 23.2m or (66%)**

Minimum Side Yard 6m (19.69ft)

Actual Side Yard 4.78m (15.7ft)

**Variance Granted 1.22m or (20.3%)**

3. The exterior finish of the dwelling shall be completed within two years of the date of issuance of the development permit.
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 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.
5. If the development authorized by a permit is not commenced within 12 months from the date of its issuance, or is not carried out with reasonable diligence, the development permit approval ceases and the development permit is deemed to be void, unless an extension to this period has been previously granted by the Development Authority.
6. No person shall keep or permit in any district any object or chattel which, in the opinion of the Development Approving Authority, is unsightly or tends to adversely affect the amenities of the district. 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. Construction occurring prior to the issuance of a building permit is subject to a double fee penalty.
2. Setbacks from abandoned well, pipeline and sour gas facilities shall be in compliance with provincial and federal requirements.
3. 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.
4. 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.

Prepared By:



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**Carla Williams**, Development Officer

Reviewed By:

Digitally signed by Tyler McNab  
Date: 2022.08.19 10:07:20  
-06'00'

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**Tyler McNab**, Program Lead Development & Safety Codes

# 022-STU-013

Development Authority Report

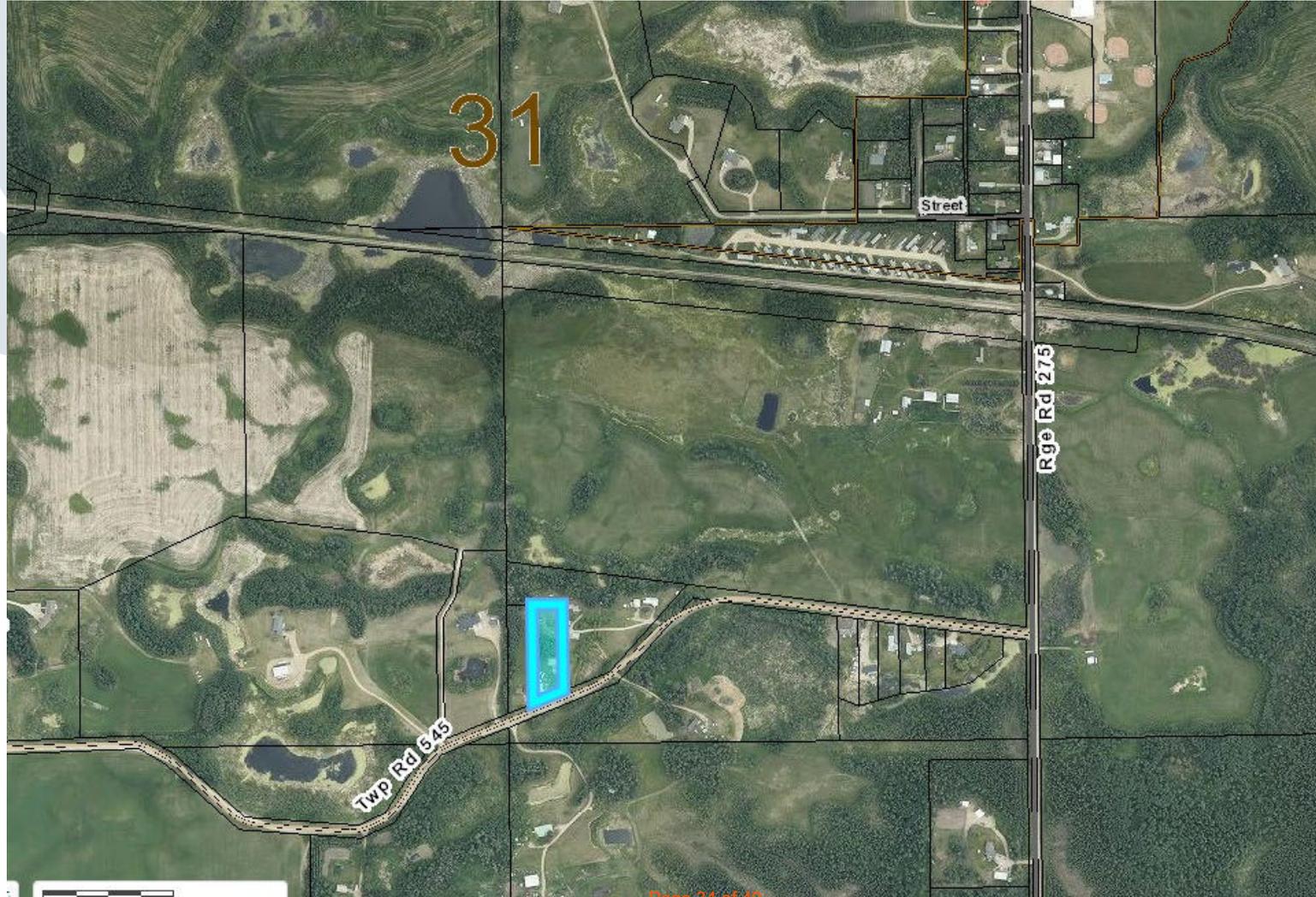
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2022-08-30



Sturgeon  
C O U N T Y

# Site Location



# Site Location



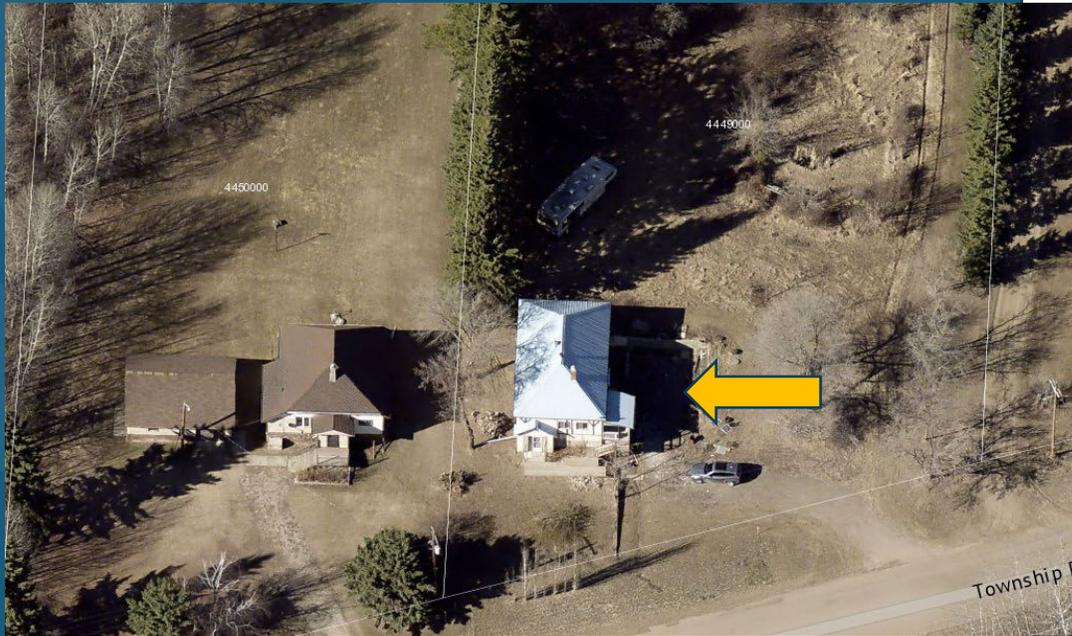
# Property Information

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27514B Twp Rd 545

SE 31-54-27-W4

- 0.7ha (1.73ac) in area
- School house for original Calahoo School site
- **AG – Agricultural Residential**
- Development Records
  - 305305-21-D0147 Accessory Building (Detached Shop)
  - Compliance approved in 1997
  - No record of development permits on file for the existing dwelling

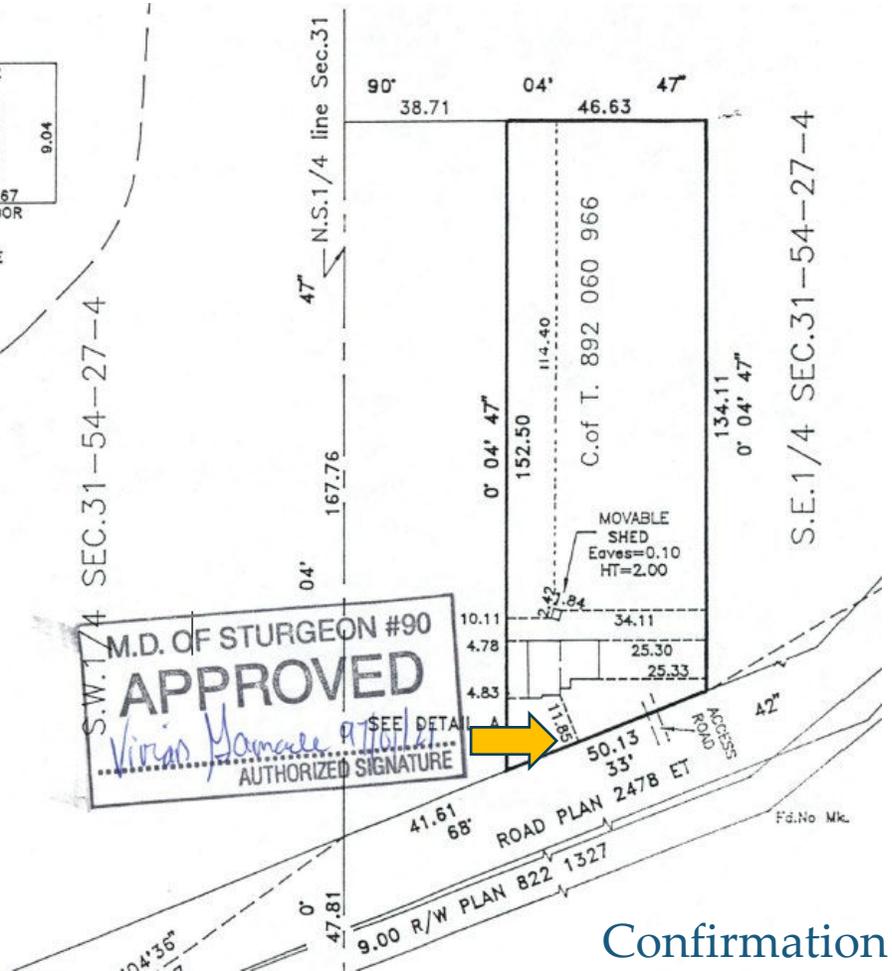
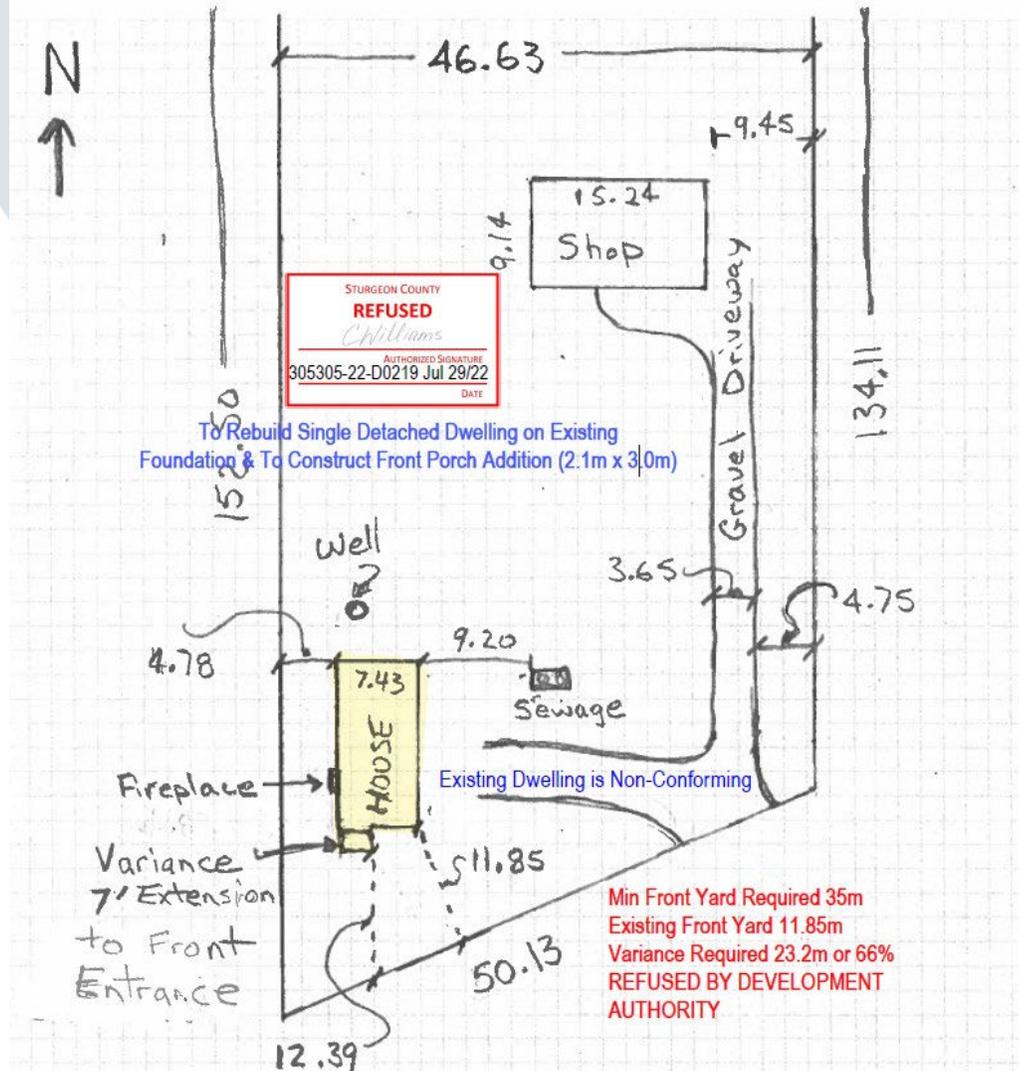


# Application Details

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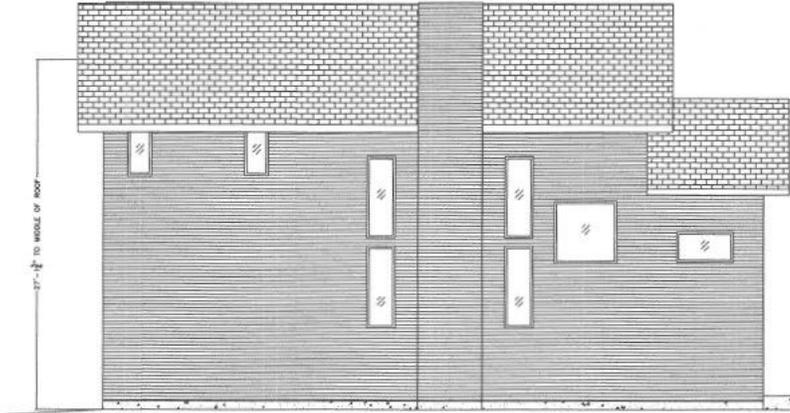
- An application was received to rebuild an existing dwelling from the foundation with a front porch addition
- The existing dwelling was constructed approximately 1939 prior to requiring development and building permits.
- The existing dwelling is 11.85m from the front property line.

# Site Plan



Confirmation of  
Front Yard Setback

# Elevations



Ⓐ LEFT ELEVATION VIEW  
SCALE: 1/4" = 1'-0"

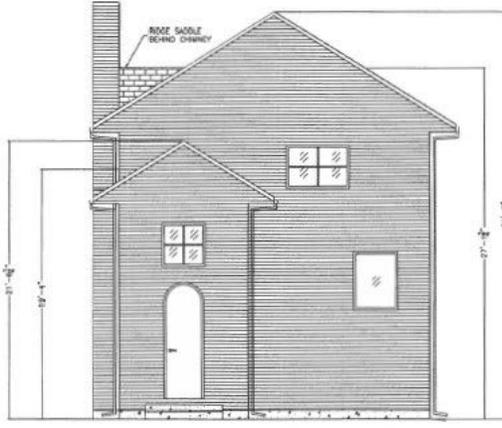


Ⓑ RIGHT ELEVATION VIEW  
SCALE: 1/4" = 1'-0"



Ⓒ REAR ELEVATION VIEW  
SCALE: 1/4" = 1'-0"

STURGEON COUNTY  
**REFUSED**  
*C. Williams*  
AUTHORIZED SIGNATURE  
305305-22-D0219 Jul 29/22  
DATE



Ⓓ FRONT ELEVATION VIEW  
SCALE: 1/4" = 1'-0"



# Relevant Policy & Legislation

---

## Municipal Government Act

### **Non-conforming use and non-conforming buildings**

- Section 643(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
  - a) To make it a conforming building,
  - b) For routine maintenance of the building, if the development authority considers it necessary, or
  - c) In accordance with the land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

# 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 - Agricultural	0.1 – 29.9%	30.0 – 50%

### Section 11.1.4 AG – Agriculture District – Development Regulations

- Minimum Front Yard – 35m
- Minimum Side and Rear Yard – 6.0m

# Analysis

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1. Existing dwelling is considered non-conforming.
  - To be rebuilt or added onto requires conformance with current Land Use Bylaw
2. Dwelling is located 11.85m from the front property line
  - Minimum required 35m
  - Required variance 23.2m or 66% REFUSED
3. Dwelling is located 4.78m from the side property line
  - Minimum required 6.0m
  - Required variance 1.22m or 20.3% Granted by Development Authority

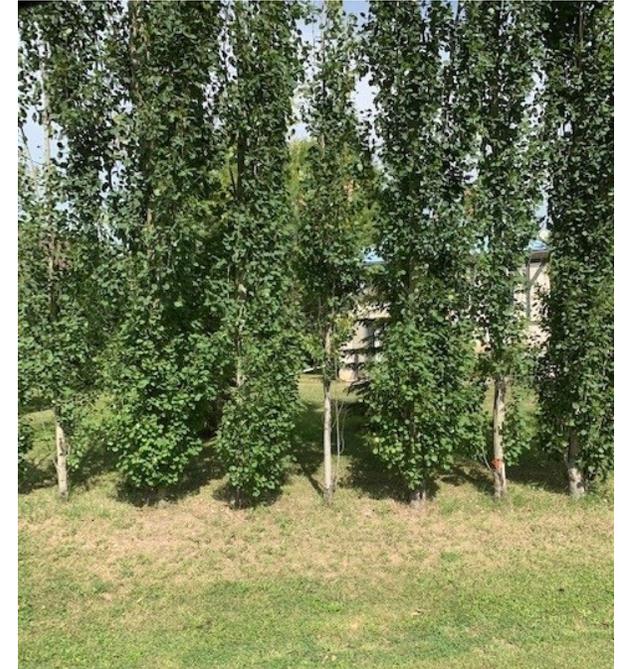
# Analysis/Photos of Existing Dwelling



Front View



Side View



Tree Coverage from Road

# Conclusion

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Administration recommends the Board to consider:

- the age of the existing dwelling
- impact of rebuilding with front porch addition to adjacent parcels

Should the Board consider approval of the development permit, Administration provides the following recommended conditions:

# Conditions

1. Prior to any construction occurring on site, a separate building permit shall be obtained and approved.
2. The single detached dwelling is approved to be rebuilt on the existing foundation with a front porch addition (2.1m x 3.0m) in accordance with the approved site plan and construction drawings.

<u>Minimum Front Yard</u>	35m (114.83ft)
Actual Front Yard	11.85m (38.9ft)
<b>Variance Granted</b>	<b>23.2m or (66%)</b>
<u>Minimum Side Yard</u>	6m (19.69ft)
Actual Side Yard	4.78m (15.7ft)
<b>Variance Granted</b>	<b>1.22m or (20.3%)</b>

3. The exterior finish of the dwelling shall be completed within two years of the date of issuance of the development permit.
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 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.
5. If the development authorized by a permit is not commenced within 12 months from the date of its issuance, or is not carried out with reasonable diligence, the development permit approval ceases and the development permit is deemed to be void, unless an extension to this period has been previously granted by the Development Authority.
6. No person shall keep or permit in any district any object or chattel which, in the opinion of the Development Approving Authority, is unsightly or tends to adversely affect the amenities of the district. 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. Construction occurring prior to the issuance of a building permit is subject to a double fee penalty.
2. Setbacks from abandoned well, pipeline and sour gas facilities shall be in compliance with provincial and federal requirements.
3. 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.
4. 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.

# APPELLANT SUBMISSIONS RECEIVED

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**\*NOTE:**

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

**ADJACENT  
LANDOWNER  
WRITTEN  
SUBMISSIONS**

Mike and Melody Yaceyko  
27518 Twp Rd. 545

August 13, 2022

Severed in line with Section 17 of the FOIP Act

Email:

Ph:

RE: SDAB File #: 022-STU-013  
Request for adjacent landowner submission for/against development appeal

Attn: Dianne Mason  
Secretary, Sturgeon County Subdivision and Appeal Board

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Dear Ms. Mason,

We are writing in response to your mailed solicitation for adjacent land owners' feedback regarding the development request/appeal submitted by our newest neighbors; Sam and Shelley Cupelli.

Prior to the Cupelli's ownership, their property (located at 27514B Twp Rd. 545) was severely neglected and overtly hazardous. From the moment they took possession, the Cupellis have worked tirelessly to plan the extensive renovation of their home and beautify and improve the surrounding property. They've removed literal truckloads of trash and debris from the yard and erected a well-constructed and aesthetically appealing shop. Over the past several months we have had multiple conversations with this couple regarding their building plans. We are exceedingly confident that they have consistently demonstrated thoughtful due diligence throughout this process. In the short while that we have known them, it is evident that they are ambitious, very hard-working, knowledgeable about construction, and smart enough to consult experts to ensure their build and overall investment in this project is safe and secure.

We support this couple's vision for their property and strongly encourage the Sturgeon County SDAB to approve the Cupelli's development request including plans to rebuild on the existing (structurally sound) foundation and construct a new (2.1 meter x 3.0 meter) front porch addition. We are extremely confident that these plans – in keeping with all of the other work this family has done to date – will be executed with integrity, reflect their pride of ownership and improve the appearance and value of our community as a whole.

Thank you for your time and consideration.

Sincerely,

Mike and Melody Yacevko

Severed in line with Section 17 of the FOIP Act