

AUGUST 8, 2023
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 Berglund & Alice Sloan | 023-STU-016 | Development Appeal |
| 2.2 | Appellant: Royal Nickerson | 023-STU-017 | Development Appeal |
| 2.3 | Appellant: Ray Schmidt | 023-STU-018 | Development Appeal |

3. ADJOURNMENT

Appeal #1

023-STU-016 Appealing the
Development Authority's refusal to
leave a single detached dwelling with
attached garage as built with a
variance to the front yard



SUBDIVISION & DEVELOPMENT APPEAL BOARD

| | |
|--|--|
| Site Information: | |
| Municipal Address of site: | 136 27507 TWP RD 544 (136 Galaxy Way) |
| Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter) | Lot 2 Block 2 Plan 760629, Glory Hills |
| Development Permit number or Subdivision Application number: 305305-23-D0185 | Severed in line with section 17 of the FOIP Act Date Received Stamp |
| Appellant Information: | |
| Name: Berglund, Mark & Sloan, Alice | Phone: _____ Agent Name: (if applicable) |
| Mailing Address: 136 27507 TWP RD 544 | City, Province: Sturgeon County, AB |
| Postal Code: T8R 2B5 | Email: _____ |

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

| | |
|---|---|
| Development Permit | Subdivision Application |
| <input checked="" type="checkbox"/> Approval | <input type="checkbox"/> Approval |
| <input type="checkbox"/> Conditions of Approval | <input type="checkbox"/> Conditions of Approval |
| <input 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

Dwelling has been in existence since the 1970's. We were told that the existing house and garage were grandfathered in. We would like to replace exciting deck on the back of the house with a 3 season room. This does not affect the property lines. Im assuming that the original property owners built house were it is due to property being swamp land and very wet.

(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

Date: July 11/2023

| | | |
|----------------------------|---|-----------------------------|
| FOR OFFICE USE ONLY | | |
| SDAB Appeal Number: | Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No | Hearing Date: YYYY/MM/DD |



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

SLOAN, ALICE

Receipt Number: 202305628
 GST Number: 107747412RT0001
 Date: 2023-07-10
 Initials: TM

| 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> |
| | | | Mc: \$100.00 | |
| | | | Total Monies Received: \$100.00 | |
| | | | Rounding: \$0.00 | |
| | | | Amount Returned: \$0.00 | |

July 18, 2023

SDAB File Number: 023-STU-016

Dear Alice Sloan:

**NOTICE OF
APPEAL BOARD HEARING**

| | |
|--|--|
| Legal Description of Subject Property: | Plan 7620629; Block 2; Lot 2 Glory Hills 136-27507 Township Road 544 |
| Decision Regarding Proposed Development: | Development Permit refused to leave a single detached dwelling with attached garage as built with a variance to the Front Yard |

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on July 11, 2023. 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 8, 2023 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 867 183 173#. 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 3, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

Should you require further information, call (780) 939-8277 or (780) 939-1377 or by email legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

July 18, 2023

SDAB File Number: 023-STU-016

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 7620629; Block 2; Lot 2 Glory Hills
136-27507 Township Road 544

Decision Regarding Proposed Development: Development Permit refused to leave a single detached dwelling with attached garage as built with a variance to the Front Yard

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

- The dwelling has been in existence since the 1970s and the Appellants were told the existing house and garage were grandfathered in.
- The Appellants would like to replace the existing deck on rear of the house with a 3-season room.
- The proposed development does not affect the property lines.
- The original property owners built the house in its current location due to property being swamp land and very wet.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 8, 2023 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 867 183 173#. 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 3, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

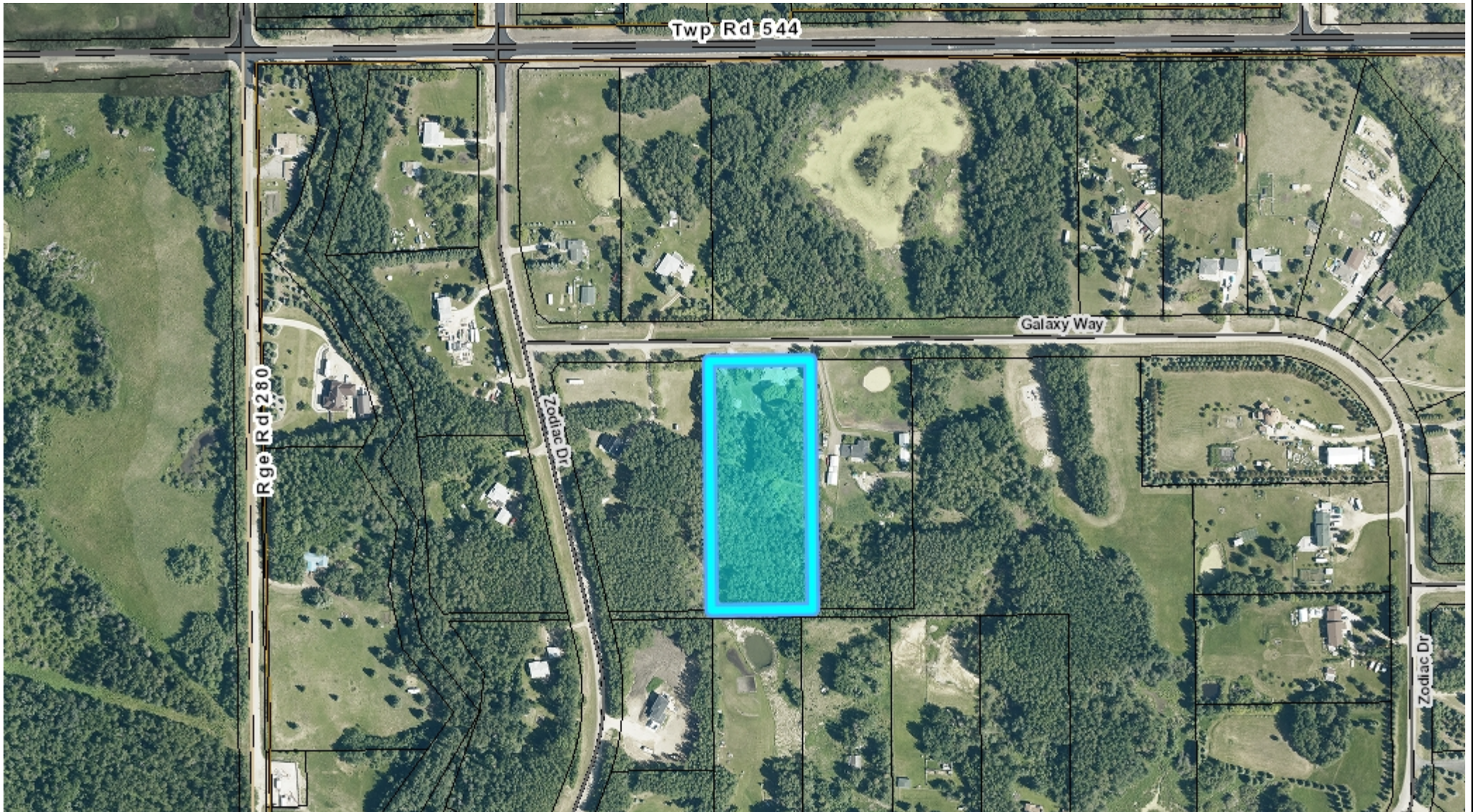
For further information, please call (780) 939-8277 or (780) 939-1377 or by email at legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

305305-23-D0185

Lot 2;Block 2; Plan 7620629

13-Jul-2023



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

Notification Letter

Date: Jun 29, 2023

Permit Number: 305305-23-D0185

To: Berglund, Mark and Sloan, Alice
136 27507 Twp Rd 544
Sturgeon County, ALBERTA
TOG 0J0

Re: Decision of the Development Officer

Please be advised that development permit #305305-23-D0185 To Leave a Single Detached Dwelling with Attached Garage as Built with a Variance to the Front Yard was **refused** on Jun 29, 2023.

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 decision, please contact the undersigned at (780)939-8275 or toll free at 1-866-939-9303.

Yours truly,

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

Carla Williams
Development Officer

Development Permit

Land Use Bylaw 1385/17

| | |
|----------------|-----------------|
| Permit No.: | 305305-23-D0185 |
| Tax Roll No.: | 4374005 |
| Decision Date: | Jun 29, 2023 |

Applicant

Name: Berglund, Mark and Sloan, Alice
 Address: 136 27507 Twp Rd 544
 Sturgeon County, ALBERTA
 T0G 0J0
 Phone:
 Cell:
 Email:

Owner

Name: Berglund, Mark and Sloan, Alice
 Address: 136 27507 Twp Rd 544
 Sturgeon County, ALBERTA
 T0G 0J0
 Phone:
 Cell:
 Email:

Severed in line with section 17 of the FOIP Act

Property Description

Legal Land Description: 7620629; 2; 2 Glory Hills
Land Use Description: R1 - Country Residential District
Rural Address: 136-27507 Twp Rd 544

Description of Work

To Leave a Single Detached Dwelling with Attached Garage as Built with a Variance to the Front Yard

Fees

| | |
|--------------------------------------|----------|
| Discretionary Use / Variance Request | \$100.00 |
|--------------------------------------|----------|

The application to Leave a Single Detached Dwelling with Attached Garage as Built is **REFUSED** for the following reasons:

- Pursuant to section 12.1.4 of Land Use Bylaw 1385/17, as amended, the minimum front yard setback for a principal building is 12m (39.4ft) within the R1 – Country Residential Land Use District. The Real Property Report prepared by Cherwonick Surveys (1976) Ltd., dated March 22, 1990, confirms the location of the dwelling with attached garage is 1.87m from the front property line.

Minimum Front Yard Required – 12m
Actual Front Yard – 1.87m
Variance Required – 10.1m or 84.4%
- Pursuant to section 2.8.6, Decision Process, Table 2.1 Variances, as amended, the Development Authority may issue a variance up to 40% within the R1 - Country Residential Land Use District. Section 2.8.6(b) states, variances above what is prescribed in the third column of Table 2.1 shall be refused by the Development Authority. The required variance of 84.4% to leave the dwelling as built had to be refused.

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:

CWilliams

Carla Williams
Development Officer

Municipality

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

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 file 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.

GALAXY WAY

ALBERTA LAND SURVEYORS' REAL PROPERTY REPORT

LOT 2 BLOCK 2 PLAN 762 0629.
N.W. 1/4 Sec. 19 - 54 - 27 - 4
M.D. of STURGEON No. 90

SCALE 1:2000

NOTE:

Certificate of Title No. 792 092 846.
Date searched Feb. 7, 1990.

Registered encumbrances relating to extent of Title:
- Mortgage registered as No. 832015222.



Existing Breezeway

Minimum Required Front Yard Setback - 12m
Existing Front Yard Setback - 1.87m
Variance Required - 10.1m or 84.4%

Refusal to Leave the Existing Dwelling As Built

DETAIL
SCALE 1:250

STURGEON COUNTY
REFUSED
C. Williams
AUTHORIZED SIGNATURE
305305-23-D0185 Jun 29/23
DATE



I, M. PORYLO, ALBERTA LAND SURVEYOR DO HEREBY CERTIFY THAT:

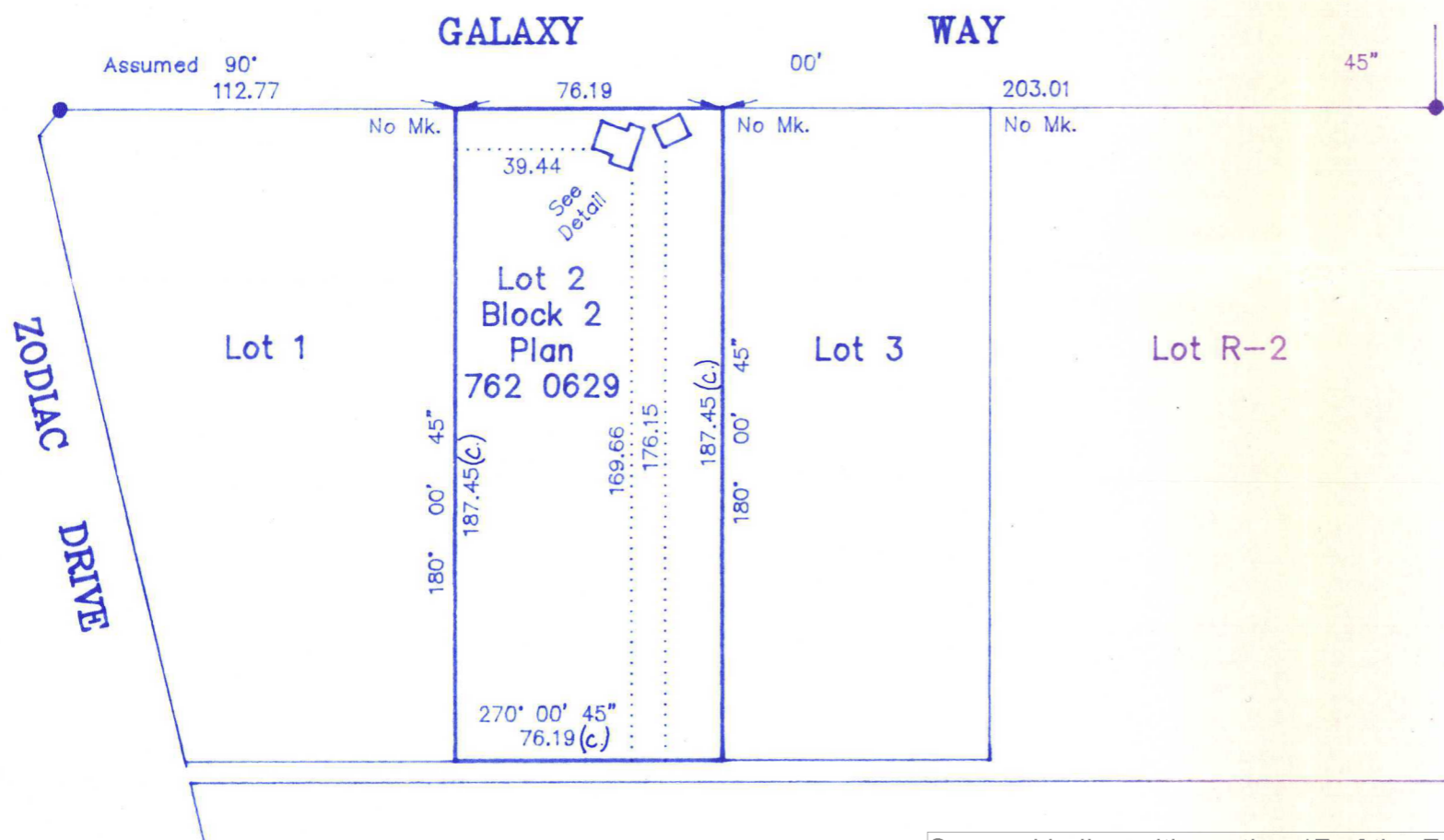
- The survey represented by this plan is correct and true and was made under my personal supervision.
- Unless specified otherwise the yard dimensions shown are perpendicular or radial distances from the property boundaries.
- The survey was made in accordance with the Manual of Good Practice.
- The survey was completed on the 19 day of Mar., A.D., 1990.
- The improvements as shown on this plan are entirely within the boundaries of the subject property, and;
- No visible encroachments exist onto the subject property from any improvement situated on an adjacent property.
- Distances copied from registered Plan 762 0629 are shown thus (c.)

Dated this 22 of Mar. A.D., 1990.

M. Porylo
Alberta Land Surveyor



Iron Posts found shown thus ●
Iron Bars found shown thus ◆
Found no mark shown thus No. Mk.
Fences shown thus X



Severed in line with section 17 of the FOIP Act

© 1990, Chervonick Surveys (1976) Ltd.

| | |
|------------------------------|---|
| CLIENT: | CHERVONICK SURVEYS (1976) LTD. #20 BLDG. B, 17420 STONY PLAIN ROAD EDMONTON ALBERTA |
| CLIENTS FILE No.: 90.3587/DG | OUR FILE No.: A7240B03 |



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: | 305305-23-D0185 |
| Date Received: | Jun 27/23 |
| Received By: | CW |

DEVELOPMENT PERMIT APPLICATION

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

APPLICANT INFORMATION

Complete if different from Applicant

| | | | |
|---|----|---|-----|
| Name of Applicant: Alice Sloan & Mark Berglund | | Name of Registered Land Owner: same | |
| Mailing Address: 136 27507 TWP RD 544 | | Mailing Address: Severed in line with section 17 of the FOIP Act | |
| City: Sturgeon County | | City: | |
| Postal Code: T8R 2B5 | PI | Postal Code: | PH: |
| E-mail Address: | | Email Address: | |

Contact Name:

LAND INFORMATION

Legal Description of Property All/Part _____ 1/4 Section _____ Twp. _____ Rge. _____ West of the _____ Meridian
 OR Lot 2 Block 2 Plan No. 760629 Hamlet or Subdivision Glory Hills
 Parcel Size: 4 acres Rural Address: 136 27507 TWP RD 544 (136 Galaxy Way)

DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply

| | | | | |
|---|---|--|--|---|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Accessory Building | <input type="checkbox"/> Kennel | Brief Description: To Leave Existing <u>Single</u> Detached Dwelling As Built Front Yard Variance Required | Development Details: Size: _____ Height: _____ Start Date: _____ End Date: _____ Estimated Project Value: <u>Existing</u> <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 checked="" 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 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

Jun 27/23
Date

Jun 27/23
Date
Jun 27/23
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.

FOR OFFICE USE ONLY

| |
|--|
| Permitted Use <input type="checkbox"/> Discretionary Use <input type="checkbox"/> |
| Fee\$ _____ Penalty\$ _____ Receipt# _____ Tax Roll# <u>4374005</u> District <u>R1</u> |
| Payment Method: Cash / Cheque / Debit / VISA / Mastercard |
| M/C or Visa Number _____ Expiry Date: _____ |
| Name (as it appears on card): _____ Authorized Signature: _____ |



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

| | |
|-----------------------|------------------------|
| For Office Use | |
| Permit Number: | <u>305305-23-D0185</u> |
| Date Received: | <u>27/06/23</u> |
| Received By: | <u>JP</u> |

VARIANCE REQUEST APPLICATION

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

VARIANCE DESCRIPTION

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

front yard setback measurement from the attached garage (1.87m) The minimum required front yard setback in the R1 – Countrv Residential District is 12m

JUSTIFICATION

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

The house, breazeway and garage where built back in the 1970's all pre existing to our ownership.. Property is very low lying and Wetlands, This is probably why they built on the high ground. Land Floods in the spring and heavy rains.

MITIGATION

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

The Sunroom we would like to add to the existing dwelling is on the back off the house and is away from the propertylines. It is also replacing a pre existing deck.

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

There will be no impact to adjacent property owners as the addition is way within our propertylines and is replacing a pre existing deck. Addition will not effect any neighbouring property sitelines.

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 Jun 27/23 _____ Sig _____

_____ Date Jun 27/23

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. _____ Sig _____ Date June 27/23

Severed in line with section 17 of the FOIP Act

Fee \$ 100 Receipt # 202304818 Paid by: **Cash / Cheque / Debit / VISA / Mastercard**

M/C or Visa Number XXXXXXXXXXXXXXXXXXXX Expiry Date: XXXXXXXXXX

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

FOR OFFICE USE ONLY

| Land Use Bylaw Section | Requested Variance | Variance Percentage |
|------------------------|--------------------|---------------------|
| 12.1.4 | Front Yard 10.1m | 84.4% |
| | | |
| | | |

R1

Land Use District _____

Roll# 4374005 _____

Approving Authority as per Section 2.8.6 of the Land Use Bylaw

Development Officer

Municipal Planning Commission

Notes

Dwelling has been in existence since the 1970's. Development Authority would have approved however the required variance exceeds powers.

APPLICATION FEES ARE NON-REFUNDABLE

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

**PLANNING AND
DEVELOPMENT
SERVICES REPORT**

Subdivision & Development Appeal Board
File Number 023-STU-016

FILE INFORMATION

| | |
|--------------------------|---|
| Department File: | 305305-23-D0185 |
| Legal Land Description: | Plan 7620629; Blk 2; Lot 2 |
| Address: | 136 27507 TWP RD 544 |
| Appellant: | Bergland, Mark & Sloan, Alice |
| Landowner: | Bergland, Mark & Sloan, Alice |
| | |
| Description of Appeal: | Appealing the Decision of the Development Authority of Refusal to Leave the Single Detached Dwelling as Built |
| Land Use Bylaw District: | R1 – Country Residential |
| Tax Roll Number: | 4374005 |

BACKGROUND

- An application to construct a rear addition (3 season sunroom and to replace existing rear deck) was received on June 21, 2023. The site plan confirmed the existing dwelling is 1.87m from the front property line.
- The site plan provided is a copy of a Real Property Report (RPR) dated March 22, 1990. This RPR was submitted by a previous landowner for a compliance application. The property was deemed to be non-compliant in 1990 due to the location of the dwelling.
- To approve the new rear addition, the existing dwelling must be approved to remain as constructed.

PROPERTY INFORMATION

- The property is 3.53ac (1.4ha) in area and is developed with a single detached dwelling and two accessory buildings in Glory Hills subdivision.
- The dwelling was approved (Permit #051-76) in 1976. The permit stated the dwelling was to be constructed a minimum of 175 feet (53m) from the road.
- In 1979, a breezeway with attached garage (Permit #321-79) addition to the dwelling was approved. The garage section was approved to be a minimum of 69 feet (21m) from the road.
- The dwelling was constructed 3.77m from the front property line and the breezeway addition with attached garage was constructed 1.87m from the front property line.
- A building permit application was issued for development of the basement in 2012. A development permit was not required and therefore the non-compliance issue was not addressed at that time.
- There is no record of development permit nor building permit approvals for the existing accessory buildings.

RELEVANT POLICY/LEGISLATION

- **Land Use Bylaw 1385/17**
 - Section 12.1 R1 – Country Residential District (Appendix 1)
 - A single detached dwelling is a permitted use.
 - The minimum front yard setback for a single detached dwelling abutting a local road is 12m (39.4ft)
 - The minimum side and rear yard setback for a single detached dwelling is 6m (19.7ft).
 - Section 2.8 Decision Process – Table 2.1 Variances (Appendix 2)
 - The Development Authority may issue a variance up to 40% in the R1 district.
 - Variance requests that exceed the prescribed shall be refused by the Development Authority.

ANALYSIS

- The single detached dwelling meets the requirements of Land Use Bylaw 1385/17, with respect to the minimum side and rear yard setbacks. However, the dwelling does not conform to the minimum front yard setback requirements.
- The minimum front yard setback required is 12m. The dwelling (breezeway addition and garage) is located 1.87m from the front property line therefore requiring a variance of 10.1m or 84.4%. A variance request over 40% must be refused by the Development Authority.
- The existing dwelling is non-compliant rather than non-conforming as it was not constructed as per the approval. For any new additions or alterations to be considered by the Development Authority, the dwelling must be approved to remain in its current location.
- The Reason for Appeal Form noted “the original property owner may have built house where it is due to the property being swamp land and very wet.” The County’s Master Drainage Plan confirms there is a natural drainage course just south of the dwelling that runs towards the north which has potential for flooding.
- The attached garage was constructed so close to the road that the approach serves as the parking area for vehicles. Protective Services has confirmed there have been no complaints regarding parking at this property. Aerial photos reveal mature trees in the road right of way that may impact safe maneuvering of vehicles backing onto Galaxy Road. If there was a safety concern Transportation could require removal of the trees from the road right of way.
- Given the age of the existing dwelling and there are no record of complaints or concerns related to the parking, and the natural drainage course for potential for flooding, the

Development Authority would have supported the application to leave the dwelling as built.

CONCLUSION

- The Board may consider the following:
 - If the existing development unduly interferes with the amenities of the neighbourhood; or materially interferes with or affects the use, enjoyment, or value of neighbouring properties.
 - The age of the dwelling (constructed in 1976).
 - Special circumstances that may be applicable to the subject property such as size, shape, topography, location, buildings, or surroundings.
 - Prior to any further development, the dwelling is required to be approved as built to render the dwelling compliant.
 - The proposed rear addition would not have an impact on the front yard encroachment.
- Should the Board deny the Appeal the dwelling will remain non-compliant, and no further additions or decks would be permitted.
- Should the Board uphold the Appeal and approve the single detached dwelling to remain as built, following condition is recommended:
 1. The approval is to leave the single detached dwelling with breezeway and attached garage as built with a variance to the front yard setback.

Minimum Required Front Yard Setback – 12m

Actual Front Yard – 1.87m

Variance Granted – 10.1m or 84.4%

Prepared By:



Carla Williams, Development Officer

Reviewed By:

Tyler McNab Digitally signed by Tyler McNab
Date: 2023.07.31 09:22:34
-06'00'

Tyler McNab, Program Lead Development & Safety Codes

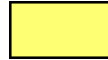
Appendix 1 – R1 Country Residential Land Use District

Appendix 2 – Decision Process (Table 2.1 Variances)

Appendix 1

PART 12 RESIDENTIAL DISTRICTS

12.1 R1 – COUNTRY RESIDENTIAL DISTRICT



.1 General Purpose

To provide for multi-*lot* residential subdivisions in rural areas where *parcel* size is determined through limited servicing availability and associated regulations. *Parcels* in this district are generally larger than ones found in the R2 district and accommodate *uses* in a residential context.

.2 Uses

| Permitted Uses | Discretionary Uses |
|--|-------------------------------------|
| <i>Accessory dwelling unit**</i> | <i>Accessory dwelling unit**</i> |
| <i>Accessory, building*</i> | <i>Accessory, building*</i> |
| <i>Accessory, use*</i> | <i>Accessory, use*</i> |
| <i>Dwelling, single detached</i> | <i>Bed and breakfast</i> |
| <i>Group home, minor</i> | <i>Dugout</i> |
| <i>Home-based business, level 1 (office)</i> | <i>Family day home</i> |
| | <i>Group home, major</i> |
| | <i>Home-based business, level 2</i> |
| | <i>Sales centre</i> |
| | <i>Show home</i> |

* Refer to Section 6.1 for further clarification.

** Refer to Section 6.1A for further clarification.

1432/19; 1587/22

.3 Subdivision Regulations

| | |
|----------------------------|--|
| <i>Minimum parcel area</i> | 0.8ha (2ac), if connected to a municipal sanitary line 1ha (2.47ac), if no municipal sanitary line |
| <i>Parcel density</i> | Maximum 50 <i>parcels</i> per 64.7ha (160ac) |
| <i>Infill subdivision</i> | Further <i>subdivision</i> of existing <i>parcels</i> where the proposed <i>parcels</i> do not meet the minimum <i>parcel area</i> and/or the prescribed <i>parcel density</i> , shall be subject to the recommendations of an approved <i>local planning document</i> . |

.4 Development Regulations

| | | |
|-----------------------------------|--------------------------------|---|
| <i>Minimum front yard setback</i> | <i>Abutting a local road</i> | 12m (39.4ft) |
| | <i>Abutting collector road</i> | 35m (114.8ft) |
| | <i>Flanking front yard</i> | 10m (32.8ft) |
| <i>Minimum side yard setback</i> | <i>Principal building</i> | 6m (19.7ft) or 10% of the <i>parcel width</i> , whichever is lesser, not to be less than 2.5m (8.2ft) |
| | <i>Accessory building</i> | 3m (9.8ft) |
| <i>Minimum rear yard setback</i> | <i>Principal building</i> | 6m (19.7ft) |
| | <i>Accessory building</i> | 3m (9.8ft) |
| <i>Maximum height</i> | <i>Principal building</i> | 12m (39.4ft) |
| | <i>Accessory building</i> | 8m (26.2ft) |
| <i>Maximum floor area</i> | <i>Accessory building</i> | 230m ² (2,475.7ft ²) |
| <i>Maximum parcel coverage</i> | | 15% |

1432/19

.5 Additional Development Regulations

- (a) All *development* in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.
- (b) Access to residential *parcels* shall in all cases be from a *local* or *collector road* constructed for the subdivision.

- (a) shall approve with or without conditions an application for a *permitted use* where the proposed *development* conforms to this Bylaw;
- (b) may approve with or without conditions an application for a *discretionary use*, where the proposed *development* conforms to this Bylaw;
- (c) may refuse an application for a *discretionary use*, where the proposed *development* does not conform to this Bylaw; or
- (d) shall not accept an application for a *use* which is not a listed *permitted use* or *discretionary use* in the applicable district.
- .2 Notwithstanding Paragraph 2.8.1(c), the *Development Authority* may consider an application for a *development* that does not conform with this Bylaw, if in its opinion:
- (a) the proposed *development* conforms with the *use* prescribed for the land or *building* in this Bylaw; and
- (b) the proposed *development* would not:
- (i) unduly interfere with the amenities of the neighbourhood; or
- (ii) materially interfere with or affect the *use*, enjoyment or value of neighbouring properties.
- .3 [REMOVED] 1591/22
- .4 In exercising their discretion under Subsection 2.8.2, the *Development Authority* shall consider the general purpose and intent of the appropriate district and the following requirements:
- (i) except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing *dwelling unit density* or *parcel coverage*;
- (ii) a variance from the provisions in this Bylaw shall not be granted when the variance will knowingly cause a *building* or *use* to not comply with federal, provincial, or other municipal regulations, including the *Safety Codes Act*; and
- (iii) variance requests to *height*, *setbacks*, and other regulations that may affect the conformance of a structure with municipal, provincial, or federal regulations shall be circulated to affected departments for review and comment prior to a decision on the application for the *development permit*.
- .5 A variance request shall include justification as to why the regulation cannot be adhered to.
- .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 the Development Authority |
|-----------------------------------|---|
| AG – Agriculture | 0.1 – 50% |
| R1 – Country Residential | 0.1 – 40% |
| R2 – Country Estate Residential | 0.1 – 40% |
| R3 – Hamlet Unserviced | 0.1 – 40% |
| R4 – Hamlet Serviced | 0.1 – 40% |
| R5 – Multi-Family | 0.1 – 25% |
| HR – Hamlet Reserve | 0.1 – 25% |
| C1 – Highway Commercial | 0.1 – 25% |
| C2 – Local Hamlet Commercial | 0.1 – 25% |
| C3 – Neighbourhood Commercial | 0.1 – 25% |
| I1 – Rural Industry Support | 0.1 – 50% |
| I2 – Local Industrial | 0.1 – 50% |
| I3 – Medium Industrial Unserviced | 0.1 – 50% |
| I4 – Medium Industrial Serviced | 0.1 – 50% |

| District | Percentage of variance that may be granted by the Development Authority |
|---------------------------------|---|
| IR – Industrial Reserve | 0.1 – 50% |
| AP – Airport Support | 0.1 – 50% |
| EP – Environmental Preservation | 0.1 – 25% |
| INS – Institutional | 0.1 – 25% |
| POS – Public Open Space | 0.1 – 25% |
| PU – Public Utility | 0.1 – 25% |
| REC – Recreational | 0.1 – 25% |

1432/19; 1591/22

- (b) Variances for the districts listed above in excess of what is prescribed in the third column of Table 2.1 shall be refused by the *Development Authority*.

2.9 DEVELOPMENT PERMIT CONDITIONS

- .1 In making a decision, the *Development Authority* may impose such conditions as are appropriate and as are specifically required by this Bylaw, permanently or for a limited time period.
- .2 As a condition of a *development permit* approval, the *Development Authority* may require that the applicant enter into a *Development Agreement* with the municipality to do any or all of the following:
- (a) construct or pay for the construction of:
 - (i) a road(s) or upgrades to a road(s) required to give access to the *development*;
 - (ii) a pedestrian walkway system to serve the *development* or to give access to an *adjacent development*; or
 - (iii) *on-site* or other *parking facilities* and loading and unloading facilities.
 - (b) to construct, install or pay for any *municipal improvements* and/or utilities which will be needed to serve the *development*;
 - (c) pay an *off-site* levy or redevelopment levy imposed by bylaw; and
 - (d) provide an auto-renewable and irrevocable letter of credit or cash to secure performance of the conditions of the approval.
- .3 To ensure compliance with a *Development Agreement*, the County may register a caveat under the *Land Titles Act* against the Certificate of Title of the property being developed. This caveat shall be discharged when the obligations to be assumed by the applicant under the agreement have been fulfilled.
- .4 While not limiting the generality of the *Development Authority's* discretion as outlined herein, in making a decision regarding *development permit* applications the *Development Authority* may require the following conditions:
- (a) adherence to additional information as may be required under Subsection 2.4.3;
 - (b) adherence to a groundwater monitoring and groundwater protection program;
 - (c) adherence to a community benefits plan;
 - (d) adherence to community and neighbourhood consultation;
 - (e) adherence to provincial and federal regulatory compliance;
 - (f) adherence to specified hours, days, months or years of operation;
 - (g) limiting the time that a development permit may continue in effect;
 - (h) compliance with applicable *statutory plans*;
 - (i) any such other conditions as may be reasonably required, and
 - (j) the payment of deposits as per the County's Fees and Charges Schedule.

1407/18

1407/18

023-STU-016

Development Authority Report

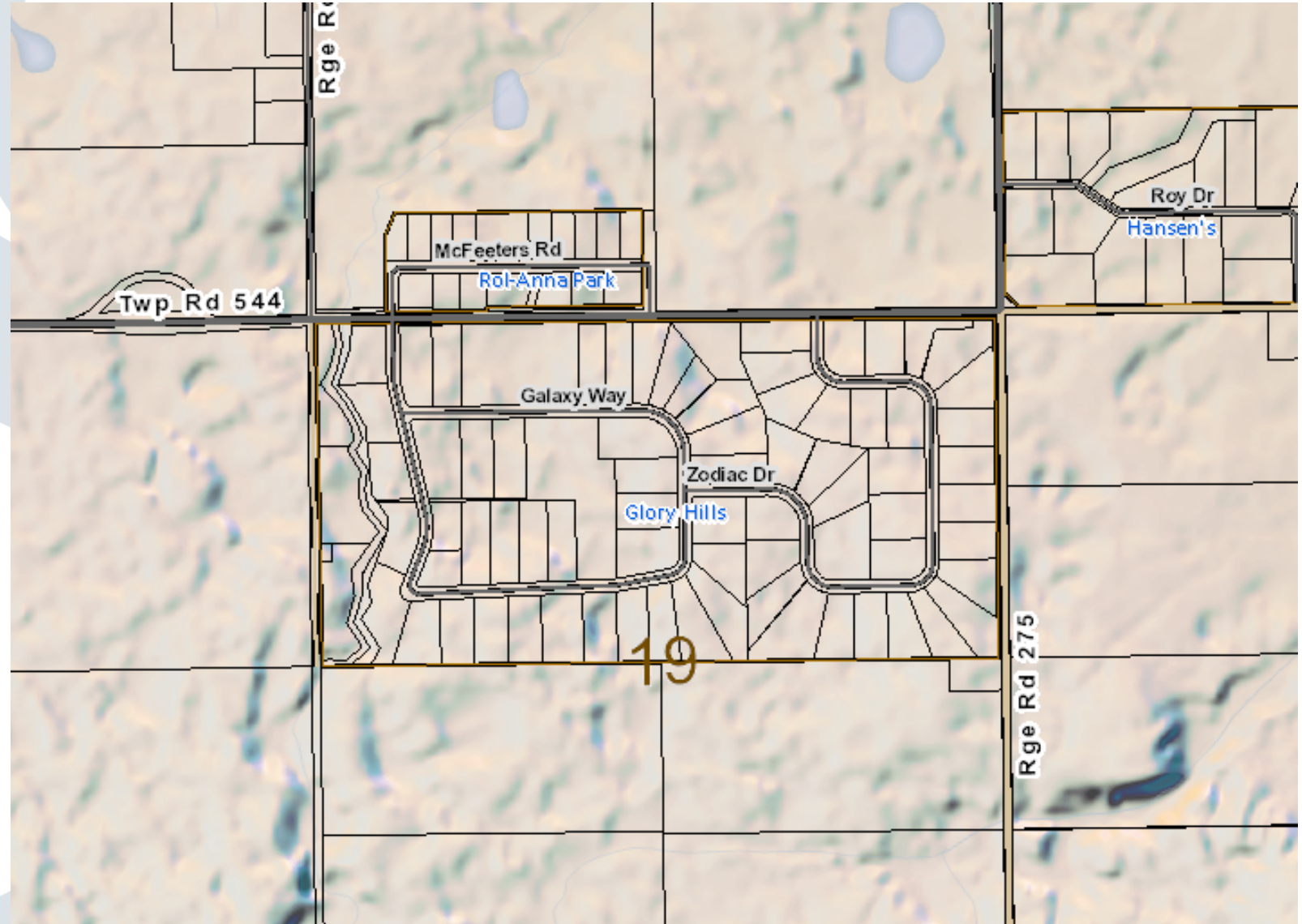
2023-08-08



Sturgeon
C O U N T Y

Site Location (Local)

Glory Hills Subdivision



Site Location (Site)

Plan 7620629
Block 2
Lot 2

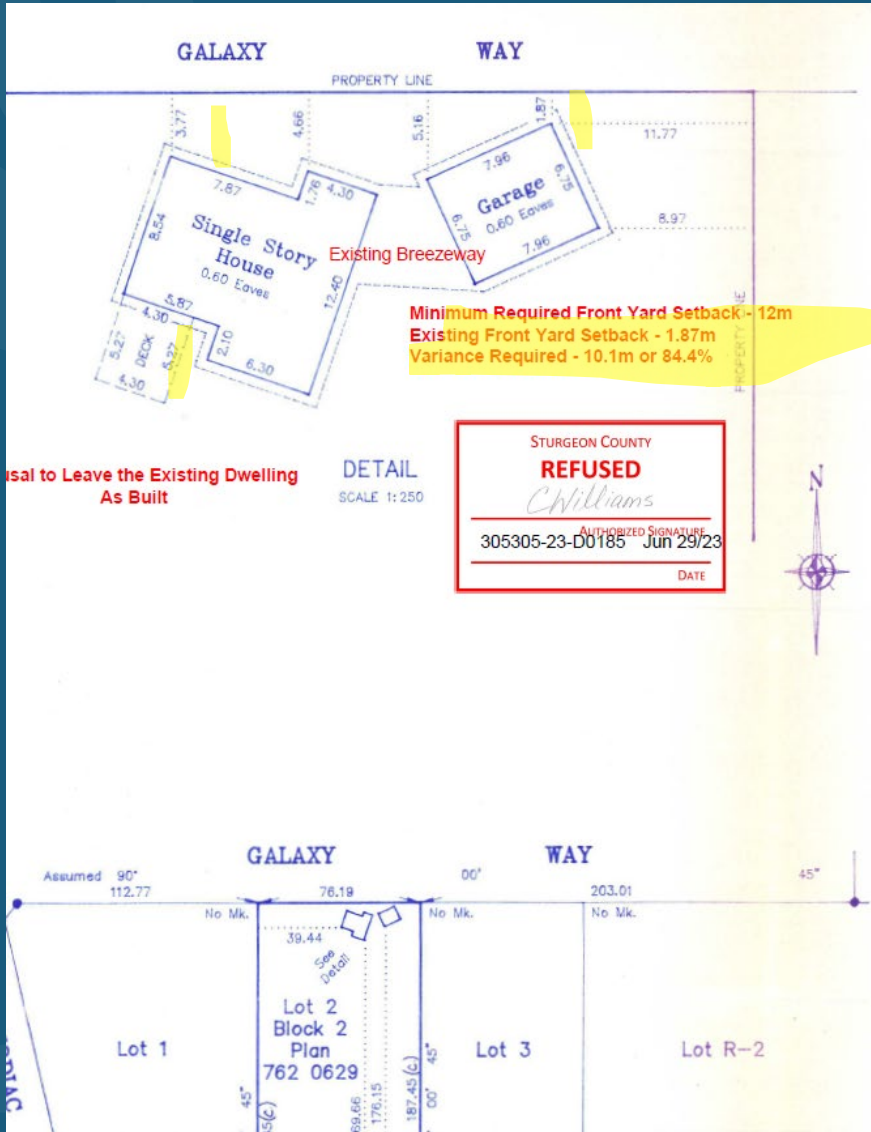


Property Information



- R1 – Country Residential**
- **3.53ac (1.4ha)**
- **SDD – Approved 1976 (157ft from road)**
- **Breezeway & Attached Garage – Approved 1979 (69 ft from road)**
- **Building permit – Basement Development 2012**
- **No permits for Accessory Buildings**

Property Information



ALBERTA LAND SURVEYORS'
REAL PROPERTY REPORT
LOT 2 BLOCK 2 PLAN 762 0629.
N.W. 1/4 Sec. 19 - 54 - 27 - 4
M.D. of STURGEON No. 90
SCALE 1:2000

NOTE:
Certificate of Title No. 792 092 846.
Date searched Feb. 7, 1990.
Registered encumbrances relating to extent of Title:
- Mortgage registered as No. 832015222.

I, M. PORYLO, ALBERTA LAND SURVEYOR DO HEREBY CERTIFY THAT:

1. The survey represented by this plan is correct and true and was made under my personal supervision.
2. Unless specified otherwise the yard dimensions shown are perpendicular or radial distances from the property boundaries.
3. The survey was made in accordance with the Manual of Good Practice.
4. The survey was completed on the 19 day of Mar., A.D., 1990.
5. The improvements as shown on this plan are entirely within the boundaries of the subject property, and;
6. No visible encroachments exist onto the subject property from any improvement situated on an adjacent property.
7. Distances copied from registered Plan 762 0629 are shown thus(c.)

Dated this 22 of Mar. A.D., 1990.

M. Porylo
Alberta Land Surveyor



Iron Posts found shown thus ●
Iron Bars found shown thus ◆
Found no mark shown thus No. Mk.
Fences shown thus X

1990 Dwelling Non-Compliant Application Rear Addition

- Enclose Rear Deck
- SDD 3.77m from front property line

Attached Garage – 1.87m from front property line

Variance Refusal 84%

Relevant Policy & Legislation

Land Use Bylaw 1385/17

Section 12.1 – Country Residential District

- Section 12.1.4 – Development Regulations
 - Minimum Front Yard Setback for Principal Building - 12m
 - Minimum Side and Rear Yard Setbacks for Principal Building - 6m
- Section 2.8.6 Decision Process
 - Section 2.8.6(b) Development Authority may grant a variance of up to 40% in the R1 district. Variances in excess of what is prescribed shall be refused by the Development Authority

Analysis



- Non-compliant
- No further additions/decks
- Drainage course to the south of the existing dwelling
- Attached garage – parking area for vehicles on approach/road right of way
- No complaints
- Age of the structure

Conclusion

The Board must comply with the following:

- Application must conform with the prescribed uses of the land (*MGA* s. 687(3)(d)(ii)).

The Board may consider the following:

- If the existing development unduly interferes with the amenities of the neighbourhood; or materially interferes with or affects the use, enjoyment, or value of neighbouring properties.
- The age of the dwelling (constructed in 1976).
- Special circumstances that may be applicable to the subject property such as size, shape, topography, location, buildings, or surroundings.
- Prior to any further development, the dwelling is required to be approved as built to render the dwelling compliant.
- The proposed rear addition would not have an impact on the front yard encroachment.

Should the Board deny the Appeal the dwelling will remain non-compliant, and no further additions or decks would be permitted.

Conclusion

Recommendation

Should the Board uphold the Appeal and approve the single detached dwelling to remain as built, the following condition is recommended:

1. The approval is to leave the single detached dwelling with breezeway and attached garage as built with a variance to the front yard setback.

Minimum Required Front Yard Setback – 12m

Actual Front Yard – 1.87m

Variance Granted – 10.1m or 84.4%

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

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

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

*NOTE:

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

Appeal #2

023-STU-017 Appealing the
Development Authority's refusal to
construct an addition to the
attached garage with a variance to
the side yard setback

SUBDIVISION & DEVELOPMENT APPEAL BOARD

| | | |
|--|---|---|
| Site Information: | | Date Received Stamp |
| Municipal Address of site: <u>8-25028 Sturgeon Rd</u> <u>T8T0A9 Sturgeon County</u> | | |
| Legal land description of site: ('plan, block, lot' and/or <u>7621624; 1; 4</u> (range-township-section-quarter) <u>Lower Manor Estates</u> | | |
| Development Permit number or Subdivision Application number: <u>305305-23-00152</u> | | |
| Appellant Information: | | Severed in line with section 17 of the FOIP Act |
| Name: <u>Nickerson, Royd</u> | Phone: _____ | Agent Name: (if applicable) _____ |
| Mailing Address: <u>8-25028 Sturgeon Rd</u> <u>T8T0A9</u> | City, Province: <u>Sturgeon County, Alberta</u> | |
| Postal Code: <u>T8T0A9</u> | 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

The proposed site is the only viable place where we can add a viable single stall to garage without destroying several mature trees + adding a 4th wall to a separate structure

(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.

| | |
|-------------------------------------|---|
| Signature of Appellant/Agent: _____ | Date: <u>July 13, 2023</u> |
| FOR OFFICE USE ONLY | |
| SDAB Appeal Number: _____ | Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: _____ YYYY/MM/DD |



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

NICKERSON, ROY

Receipt Number: 202305708
 GST Number: 107747412RT0001
 Date: 2023-07-14
 Initials: TM

| 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 18, 2023

SDAB File Number: 023-STU-017

Dear Royal Nickerson:

**NOTICE OF
APPEAL BOARD HEARING**

| | |
|--|---|
| Legal Description of Subject Property: | Plan 7621624; Block 1; Lot 4 Lower Manor Estates 8 25028 Sturgeon Road |
| Decision Regarding Proposed Development: | Development Permit refused to construct an addition to the attached garage with a variance to the side yard setback |

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on July 14, 2023. 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 8, 2023 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 867 183 173#. 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 3, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

Should you require further information, call (780) 939-8277 or (780) 939-1377 or by email legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

July 18, 2023

SDAB File Number: 023-STU-017

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 7621624; Block 1; Lot 4 Lower Manor Estates
8 25028 Sturgeon Road

Decision Regarding Proposed Development: Development Permit refused to construct an addition to the attached garage with a variance to the side yard setback

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

- The proposed site is the only viable option where a single stall addition to the existing garage can be built without destroying several mature trees or constructing an entirely separate structure.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 8, 2023 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 867 183 173#. 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 3, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

For further information, please call (780) 939-8277 or (780) 939-1377 or by email at legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

305305-23-D0152

Lot 4, Block 4, Plan 7621624 Lower Manor Estates

14-Jul-2023



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

Notification Letter

Date: Jul 13, 2023

Permit Number: 305305-23-D0152

To: Nickerson, Royal
8-25028 Sturgeon Rd
Sturgeon County, ALBERTA
T8T 0A9

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-23-D0152 to construct an addition to the attached garage with a variance to the side yard setback was refused on Jul 13, 2023.

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

| | |
|-----------------|-----------------|
| Permit No.: | 305305-23-D0152 |
| Tax Roll No.: | 204005 |
| Decision Date: | Jul 13, 2023 |
| Effective Date: | Aug 3, 2023 |

Severed in line with section 17 of the FOIP Act

Applicant

Name: Nickerson, Royal
Address: 8-25028 Sturgeon Rd
Sturgeon County, ALBERTA
T8T 0A9
Phone:
Cell:
Email:

Owner

Name: Nickerson, Royal
Address: 8-25028 Sturgeon Rd
Sturgeon County, ALBERTA
T8T 0A9
Phone:
Cell:
Email:

Property Description

Legal Land Description: 7621624; 1; 4 Lower Manor Estates
Land Use Description: R2 - Country Estate Residential District
Rural Address: 8 25028 Sturgeon Rd

Description of Work

To construct an addition to the attached garage with a variance to the side yard setback

Fees

| | |
|--|----------|
| Accessory Building, Discretionary Use / Variance Request | \$210.00 |
|--|----------|

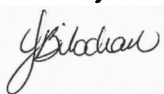
Permit Conditions

The application is **REFUSED** for the following reasons:

1. Section 12.2.4 of Land Use Bylaw 1385/17 states, *the minimum side yard setback is 3m (9.8ft)*. A variance is requested to relax the required side yard setback to 1.25m(4.09ft). Therefore, the requested variance is 1.75m(5.74ft) or 58.3%.
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 R2 – Country Residential District is 40%.

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

Issued By:



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.

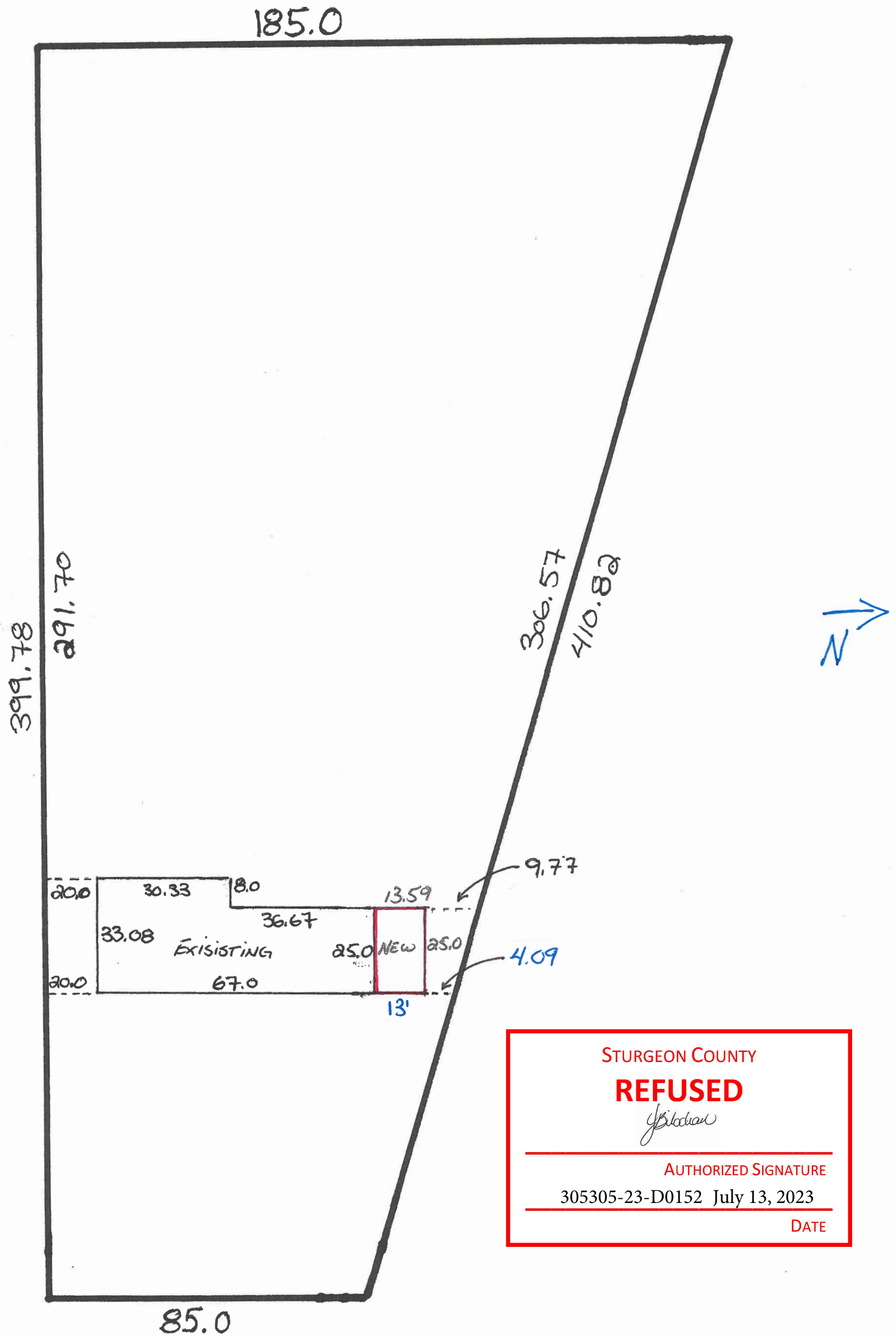
If the application is the subject of a license, permit, approval, or other authorization granted by the Minister of Environment and Parks or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act, or granted by the Natural Resources Conservation Board,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

NICKERSON RESIDENCE.

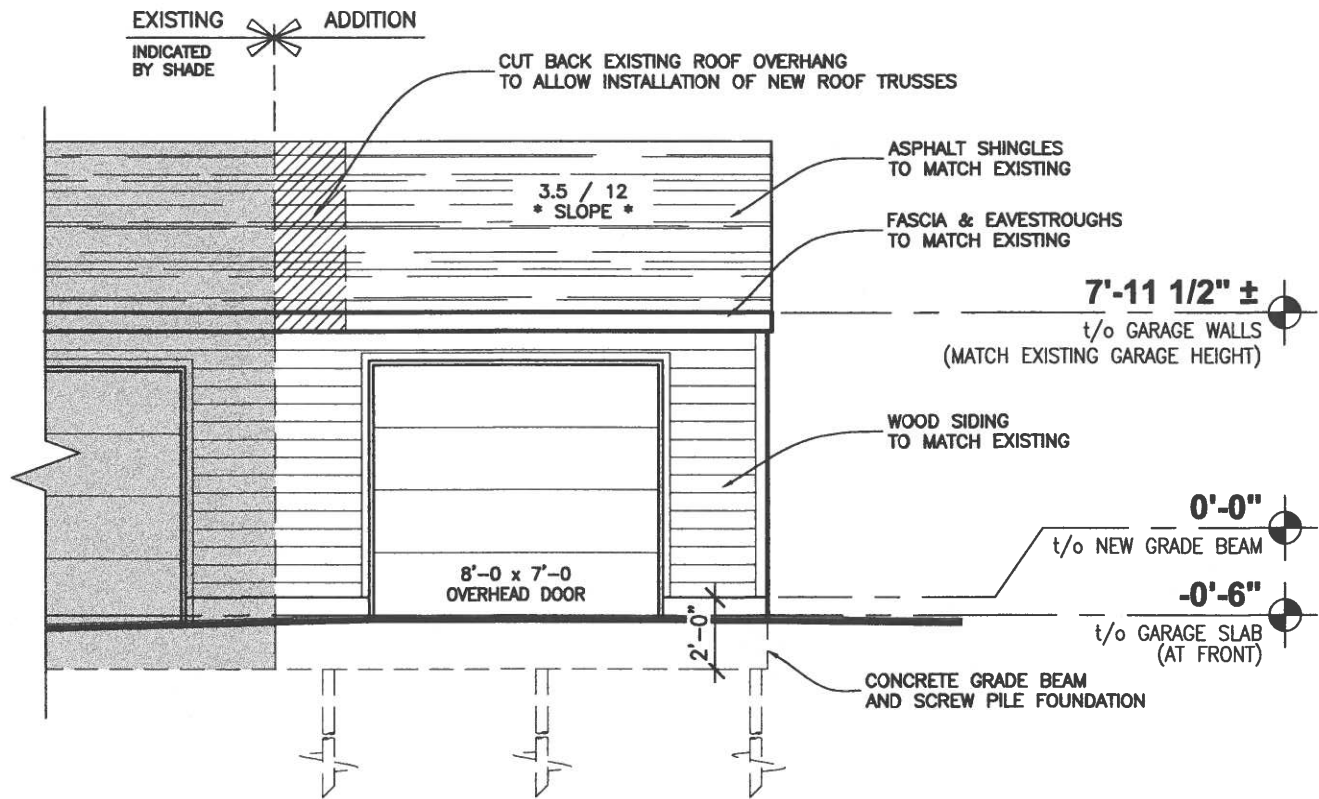
8-25028 - STURGEON RD, STURGEON COUNTY, T8T0A9

LOT 4 BLOCK 1 PLAN 7621624.

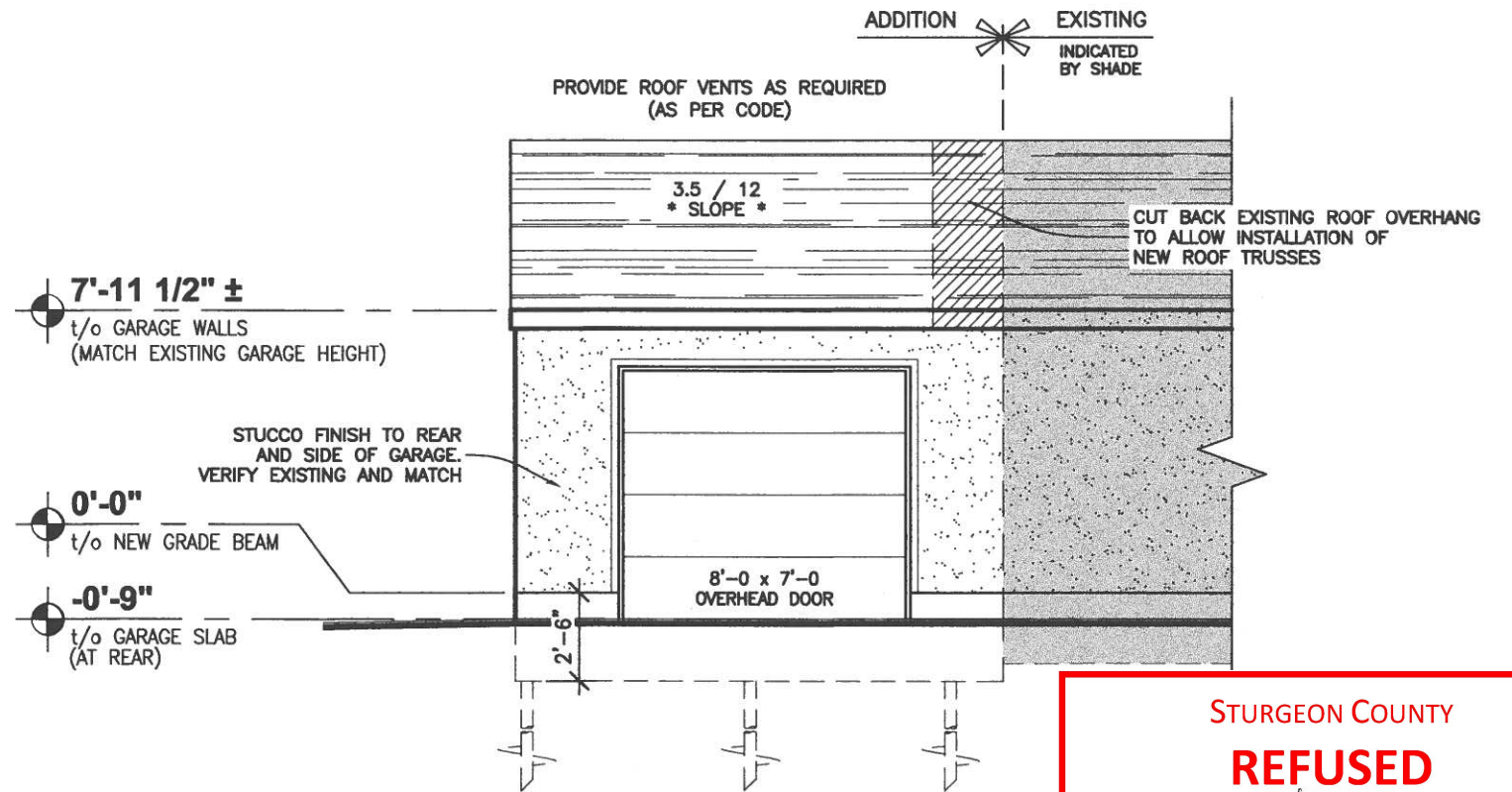


STURGEON COUNTY
REFUSED
J. Bickel
AUTHORIZED SIGNATURE
305305-23-D0152 July 13, 2023
DATE

EQUESTRIAN PLACE.

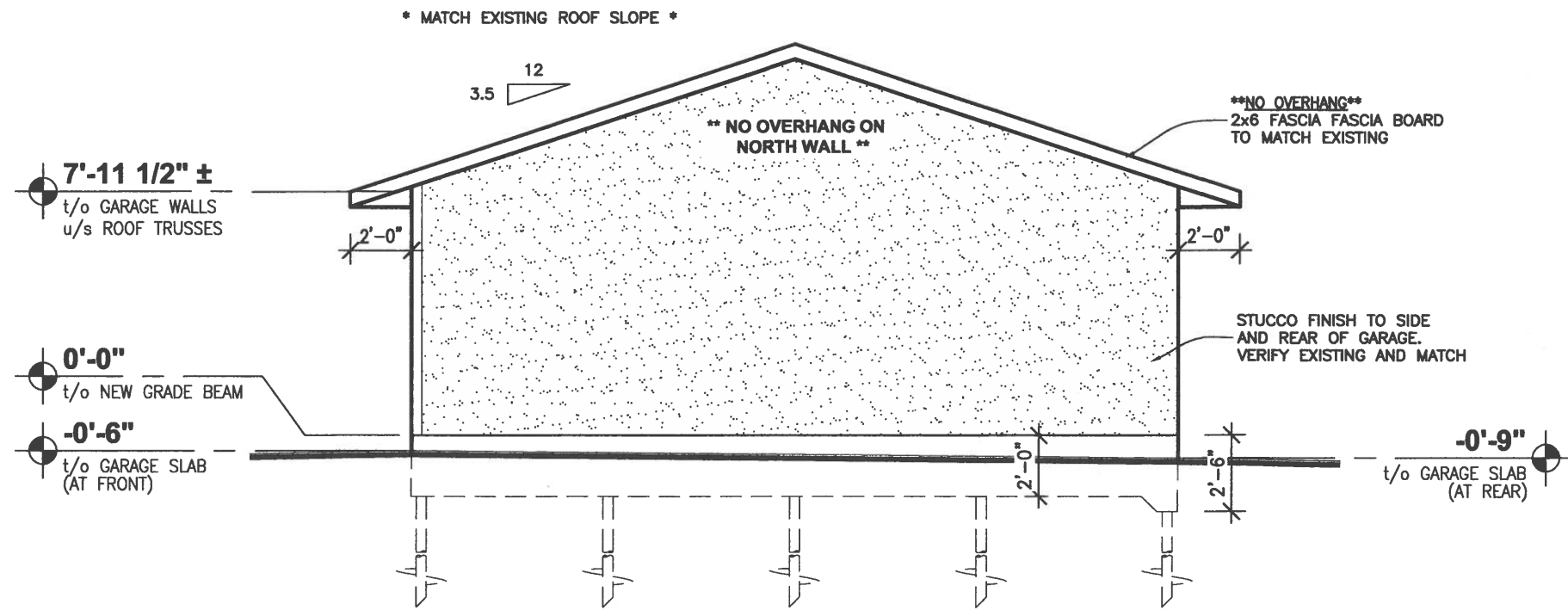


1 EAST ELEVATION
A1 3/16" = 1'-0"



2 WEST ELEVATION
A1 3/16" = 1'-0"

STURGEON COUNTY
REFUSED
J. Johnson
AUTHORIZED SIGNATURE
305305-23-D0152 July 13, 2023
DATE



3 NORTH ELEVATION
A1 3/16" = 1'-0"

**** NOTE ****
ROOF TRUSSES TO HAVE 7 1/2" HEEL

**** NOTE ****
ALL GRADING TO BE VERIFIED ON SITE WITH ACTUAL CONDITIONS

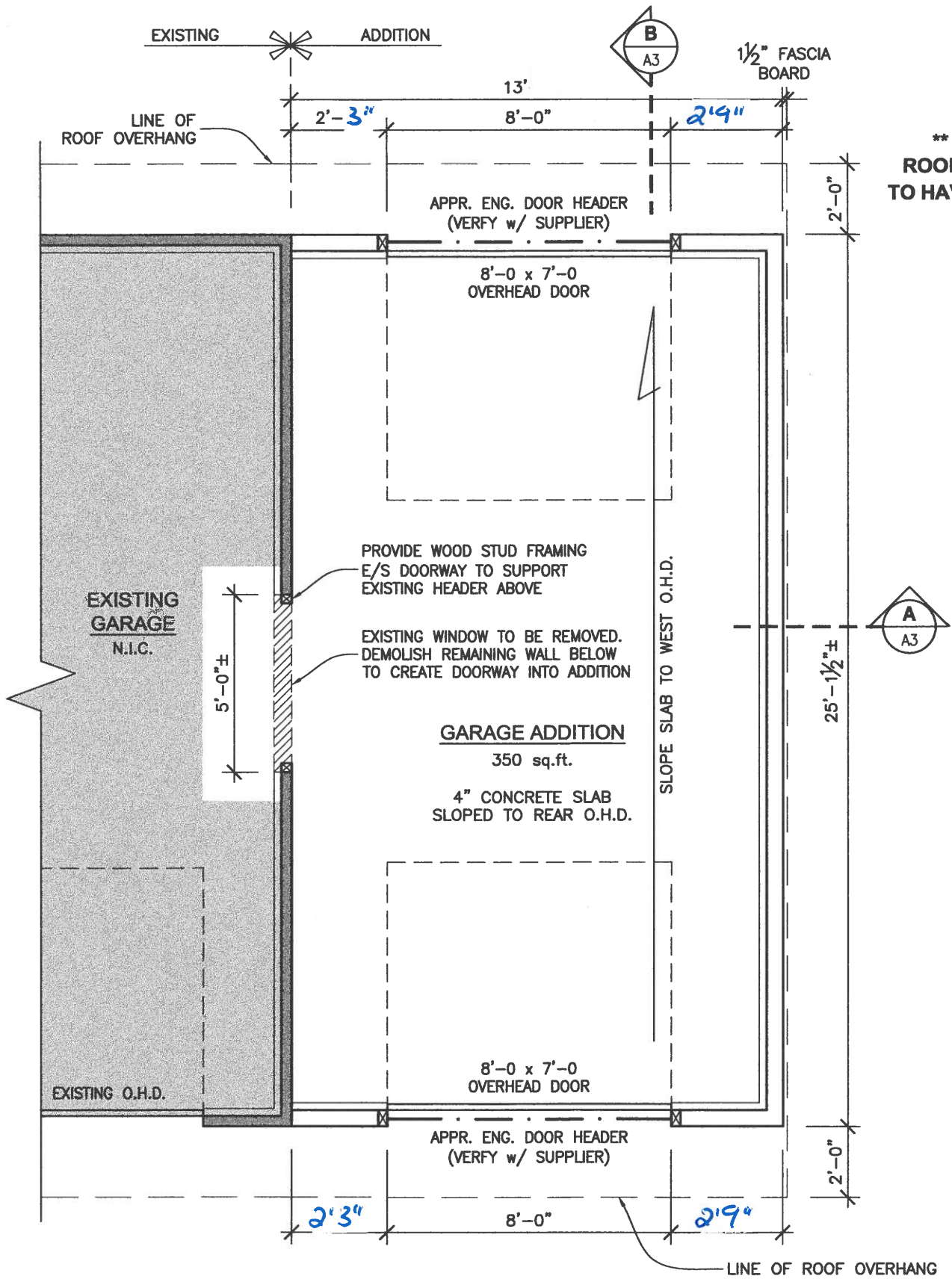
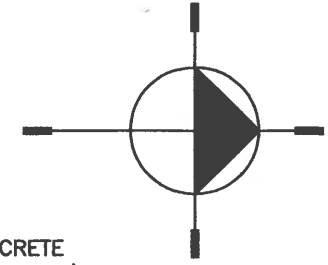
- LIST OF DRAWINGS:**
- A1 EXTERIOR ELEVATIONS
 - A2 NEW FLOOR & FOUNDATION PLANS
 - A3 WALL SECTIONS
 - A4 GENERAL NOTES

Contractor's Notes:
-do not scale drawings. written dimensions shall govern.
-all information on drawings to be verified by contractor.

PROJECT
NICKERSON GARAGE PROPOSED ADDITION
MANOR ESTATES
STURGEON COUNTY, AB

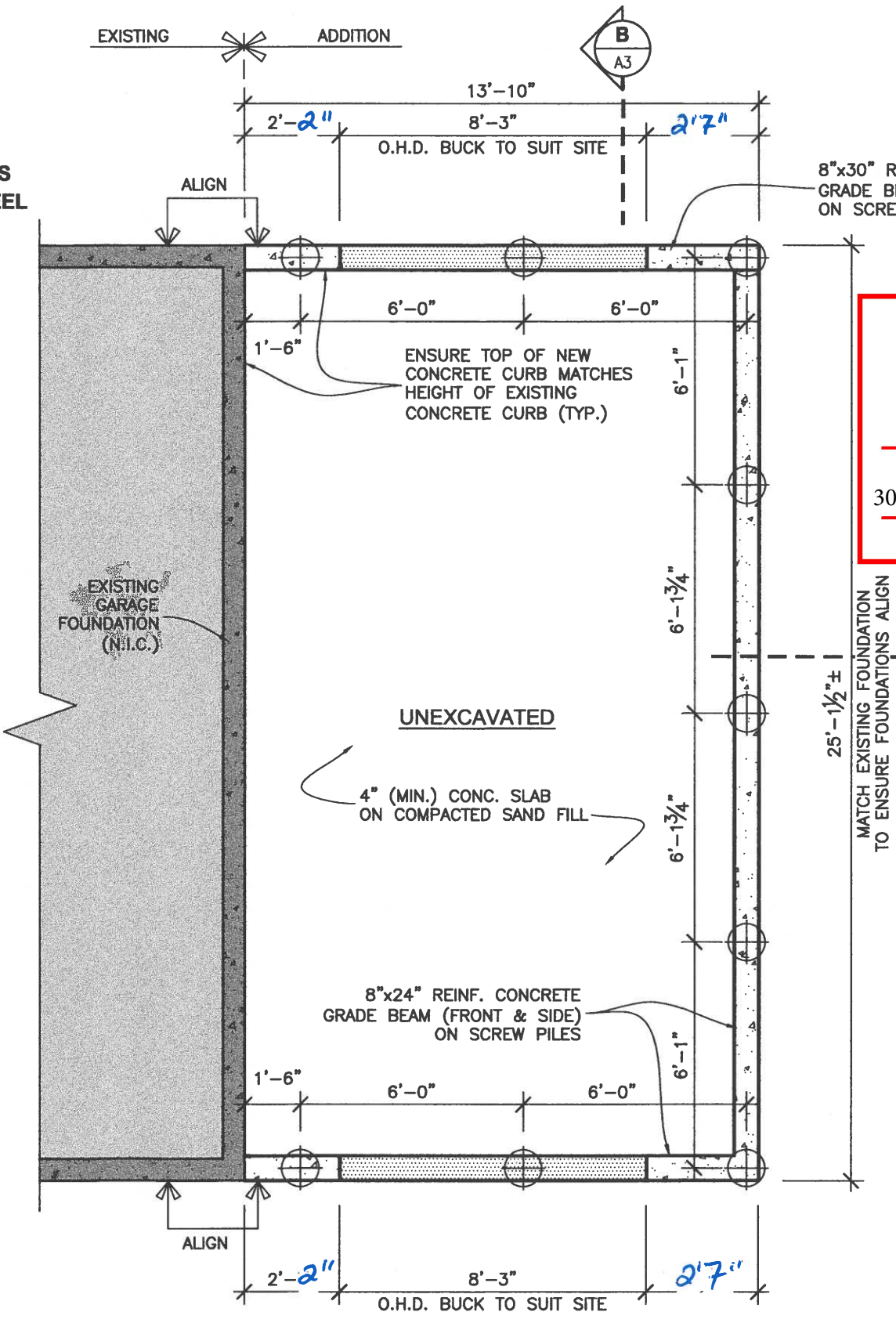
SHEET TITLE
EXTERIOR ELEVATIONS

| | |
|------------------------------------|------------------------|
| Scale 3/16" = 1'-0" | Drawn MJB |
| Date (MM-DD-YY) 05-12-23 | Sheet No. A1 |
| Project No. 23-10 | |



**** NOTE ****
ROOF TRUSSES TO HAVE 7 1/2" HEEL

1 NEW FLOOR PLAN (350 sq.ft.)
A2 1/4" = 1'-0"



2 NEW FOUNDATION PLAN
A2 1/4" = 1'-0"

STURGEON COUNTY
REFUSED
J. Johnson
AUTHORIZED SIGNATURE
305305-23-D0152 July 13, 2023
DATE

Contractor's Notes:
-do not scale drawings. written dimensions shall govern.
-all information on drawings to be verified by contractor.

PROJECT
NICKERSON GARAGE PROPOSED ADDITION
MANOR ESTATES
STURGEON COUNTY, AB

SHEET TITLE
NEW FLOOR & FOUNDATION PLANS

| | |
|-----------------------------|--------------|
| Scale 1/4" = 1'-0" | Drawn MJB |
| Date (MM-DD-YY) 05-12-23 | Sheet No. |
| Project No. 23-10 | A2 |



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: | 305305-23-D0152 |
| Date Received: | May 30, 2023 |
| Received By: | JP |

DEVELOPMENT PERMIT APPLICATION

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

APPLICANT INFORMATION

Complete if different from Applicant

| | | | |
|---|-----|--------------------------------|-----|
| Name of Applicant: Royal Nickerson Severed in line with section 17 of the FOIP Act | | Name of Registered Land Owner: | |
| Mailing Address: 8- 25028 Sturgeon Road | | Mailing Address: | |
| City: Sturgeon County | | City: | |
| Postal Code: T8T 0A9 | PH: | Postal Code: | PH: |
| E-mail Address: | | Email Address: | |

Contact Name: **Ryan Spenrath**

LAND INFORMATION

Legal Description of Property All/Part _____ 1/4 Section _____ Twp. _____ Rge. _____ West of the _____ Meridian
 OR Lot **4** Block **1** Plan No. **7621624** Hamlet or Subdivision _____
 Parcel Size: _____ Rural Address: **8 - 25028 Sturgeon Road**

DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply

| | | | | |
|---|--|---|--|---|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Accessory Building | <input type="checkbox"/> Kennel | Brief Description: Garage addition to existing garage | Development Details: Size: 346 sqft Height: 13'-1"1/4 Start Date: June 1, 2023 End Date: Aug 30, 2023 Estimated Project Value: 72000 (cost of material & labour) |
| <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 type="checkbox"/> Other | | | |

APPLICANT AUTHORIZATION

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

Signature of Authorized Applicant(s) _____ Date _____ Signature of Landowner _____ Date **May 29, 2023**

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 _____
 Severed in line with section 17 of the FOIP Act

FOR OFFICE USE ONLY

Permitted Use Discretionary Use

Fees **110.00** Penalty \$ _____ Receipt# **202303239** Tax Roll# **204005** District **R2**
 Payment Method: Cash / Cheque / Debit / VISA / Mastercard

M/C or Visa Number: _____ Expiry Date: _____
 Name (as it appears on card): _____ Authorized Signature: _____



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

| |
|------------------------------------|
| For Office Use |
| Development Permit: _____ |
| Date Received: <u>May 30, 2023</u> |
| Received By: <u>JP</u> |

VARIANCE REQUEST APPLICATION

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

VARIANCE DESCRIPTION

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

SIDE YARD SET BACK.

JUSTIFICATION

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

REQUIRE A MINIMUM AMOUNT OF SPACE TO ALLOW FOR AN OVERHEAD DOOR ON THE GARAGE ADDITION TO THE EXISTING HOME.

MITIGATION

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

YES BUT WE WOULD NOT HAVE ENOUGH ROOM FOR THE OVERHEAD DOOR TO ALLOW FOR A VEHICLE.

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

APPLICANT AUTHORIZATION

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County.

I authorize _____, a duly authorized person of Sturgeon County to communicate information _____ as per Section 608 (1) of the Municipal Act, R.S.O. 1990, c. M.26.

_____ Date MAY 30, 2023

_____ Date May 30/23

I/we hereby 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 **JAMES ROYAL NICKERSON** _____ Date

Severed in line with section 17 of the FOIP Act

Fee \$ 100 Receipt # 202303253 Paid by: 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 Number 23-STU-017

FILE INFORMATION

Department File: 305305-23-D0152
 Legal Land Description: Lot 4, Block 1, Plan 7621624
 Relative Location: Lower Manor Estates
 Appellant: Nickerson, Royal
 Landowner: Nickerson, Royal
 Description of Appeal: Appealing the decision of the Development Authority, Refusal to construct an addition to the attached garage with a variance to the side yard setback
 Land Use Bylaw District: R2 – Country Estate Residential District
 Tax Roll Number: 204005

BACKGROUND

- A development permit application was received for to construct a 46.5m²(500ft²) addition to the attached garage to be 1.25m(4.09ft) from the side property line which requires a variance of 1.75m(5.74ft) or 58.3%.
- The application was refused as the variance exceeded the maximum percentage that could be granted the Development Authority of 40%.
- The landowner appealed the decision on July 13, 2023.

PROPERTY INFORMATION

- The parcel is 1.24 acres(0.5ha) in area.
- Permit 407-76 development (building) was issued to construct a dwelling with attached garage.
- Compliance was approved on June 22, 1990.

RELIVANT 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 |
|--------------------------------|---|---|
| R2– Country Estate Residential | 0.1 – 19.9% | 20.0 – 40% |

SECTION 12.2 R1 – COUNTRY RESIDENTIAL DISTRICT

.4 Development Regulations

| Minimum front yard setback | <i>Abutting a local road</i> | 12m (39.4ft) |
|----------------------------|------------------------------|--|
| | <i>Flanking front yard</i> | 10m (32.8ft) |
| Minimum side yard setback | <i>Principal building</i> | 3m (9.8ft), or 10% of parcel width, whichever is the lesser, but shall not be less than 2.5m (8.2ft) |
| | <i>Accessory building</i> | 2.5m (8.2ft) |
| Minimum rear yard setback | <i>Principal building</i> | 6m (19.7ft) |
| | <i>Accessory building</i> | 2.5m (8.2ft) |
| Maximum height | <i>Principal building</i> | 12m (39.4ft) |
| | <i>Accessory building</i> | 8m (26.2ft) |
| Minimum floor area | <i>Principal building</i> | 100m ² (1,076.4ft ²) |
| Maximum floor area | <i>Accessory building</i> | 140m ² (1,506.9ft ²) |
| Maximum parcel coverage | | 35% |

ANALYSIS

- The development permit application was refused in accordance with the regulations of the Land Use Bylaw 1385/17 as stated above.
- The reason for appeal is: *The proposed site is the only viable place where we can add a viable single stall to the garage without destroying several mature trees and adding a 4th wall to separate structure.*
- Administration worked with the landowner to go over some options of a different location for a separate accessory building, however, was not feasible as stated due to the mature trees that would need to be removed.
- Sturgeon County GIS shows that a gas line runs where the addition is proposed, however the landowner provided confirmation from the gas company (Appendix 1) stating *"Atco has no conflicts with the construction of a garage on the north side of the house at the address 8 Equestrian place, Sturgeon County, as the gas service (1778a-810) is currently on the south side of the structure"*.
- Referral to internal departments was not required as the development does not affect any infrastructure.
- There are no windows proposed on the side adjacent to the neighboring property and therefore the development would 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 the proposed development in keeping with Sturgeon County's Land Use Bylaw 1385/17 regulations.

Or

The Board could choose to grant the appeal and approve to construct an addition to the attached garage with a variance to the side yard setback, subject to the following conditions as recommended by Administration.

1. Prior to any construction occurring on site, a separate building permit shall be obtained and approved. Minimum construction standards shall conform to the requirements of the current Alberta Building Code.
2. That electrical, gas, plumbing and private sewage disposal permits be obtained as required.
3. The minimum building setbacks are:
 - Front yard: 12m (39.37ft)
 - Side yard: Variance Granted to 1.25m(4.09ft)**
 - Rear yard 6m (19.7ft)

An eave, canopy, bay window, a cantilevered wall section or chimney may project over or onto the required yard setback to a maximum of 0.6m (2ft).

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. In the event that 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. That 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.
6. The exterior finish of the dwelling shall be completed within two years of the date of issuance of the development permit.
7. 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 granted by the Development Authority.

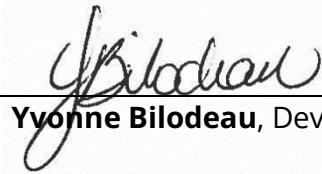
Advisory Notes:

1. Please be advised an approved building permit is required prior to any construction occurring on site. Construction occurring prior to the issuance of a building permit is subject to a double fee penalty. Early excavation, prior to building permit approval, can result in standing water, potential for freezing and can cause safety hazards for neighbouring properties if the area is open for longer than necessary.
2. 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.
3. It is the responsibility of the applicant/landowner to ensure that all development, and activities associated with the development, complies with any federal, provincial, or municipal laws/legislation and any required license, permit, approval, authorization, regulation, or directive.

ATTACHMENT(S)

- Appendix 1 – ATCO Gas Email

Prepared By:



Yvonne Bilodeau, Development Officer

Reviewed By:

Tyler McNabDigitally signed by Tyler McNab
Date: 2023.07.31 09:22:34
-06'00'

Tyler McNab, Program Lead, Development & Safety Codes

From: [Shannon Gagnon](#)
To: [Carla Williams](#)
Subject: FW: RE Nickerson Gas line relocate (TR 204005)
Date: July 4, 2023 1:05:09 PM
Attachments: [image001.jpg](#)
[image002.png](#)

FYI...

Shannon Gagnon, (she/her)

PLANNING AND DEVELOPMENT ASSISTANT

780-939-1309

sgagnon@sturgeoncounty.ca

sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9



From: Caiga <caiga.construction@gmail.com>

Sent: Tuesday, July 4, 2023 12:03 PM

To: Yvonne Bilodeau <ybilodeau@sturgeoncounty.ca>; Planning & Development
<PandD@sturgeoncounty.ca>

Cc:

Severed in line with section 17 of the FOIP Act

Subject: Fwd: RE Nickerson Gas line relocate

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender, and know the content is safe. If you are unsure of the contents of this email, please reach out to IT at JSSupport@sturgeoncounty.ca

Hello.

Please see the attached correspondence with atco gas regarding the gas line in question relocation and approval to construct the new garage addition over the old line. Please let us know if there is anything else you require and what our next step is in the approval process. Thank you

Thank you

Ryan Spenrath
Caiga Construction Inc.
780-905-3737

Begin forwarded message:

From: "Bourdon-Pegg, Jory" <Jory.Bourdon-Pegg@atco.com>

Date: July 4, 2023 at 8:59:30 AM MDT

To: Caiga <caiga.construction@gmail.com>
Cc:
Subject: RE: RE Nickerson Gas line relocate

Good Morning,

I hope all is well.

I'm writing this email to let you know that Atco has no conflicts with the construction of a garage on the north side of the house at the address 8 Equestrian place, Sturgeon County, as the gas service (1778a-810) is currently on the south side of the structure.

Please feel free to reach out if you have any questions or concerns.

Thanks,

Jory Bourdon

Foreman, North Operations
Natural Gas

P. 780 733 2675 **C.** 780 499 6319

E. Jory.Bourdon-Pegg@ATCO.com

A. 13450 149 St, Edmonton AB Canada T5V 0B7

ATCO.com [Facebook](#) [Twitter](#) [LinkedIn](#)



From: Caiga <caiga.construction@gmail.com>
Sent: Friday, June 30, 2023 8:28 AM
To: Bourdon-Pegg, Jory <Jory.Bourdon-Pegg@atco.com>
Cc:
Subject: Re: RE Nickerson Gas line relocate

****Caution – This email is from an external source. If you are concerned about this message, please report using Phish Alert Button in your Outlook for analysis.****

Hello Jory

Yea if you could approve and send that to myself and the county I think that would be enough. I appreciate your help. Here is the one call locate ticket request. Cheers

Thank you

023-STU-017

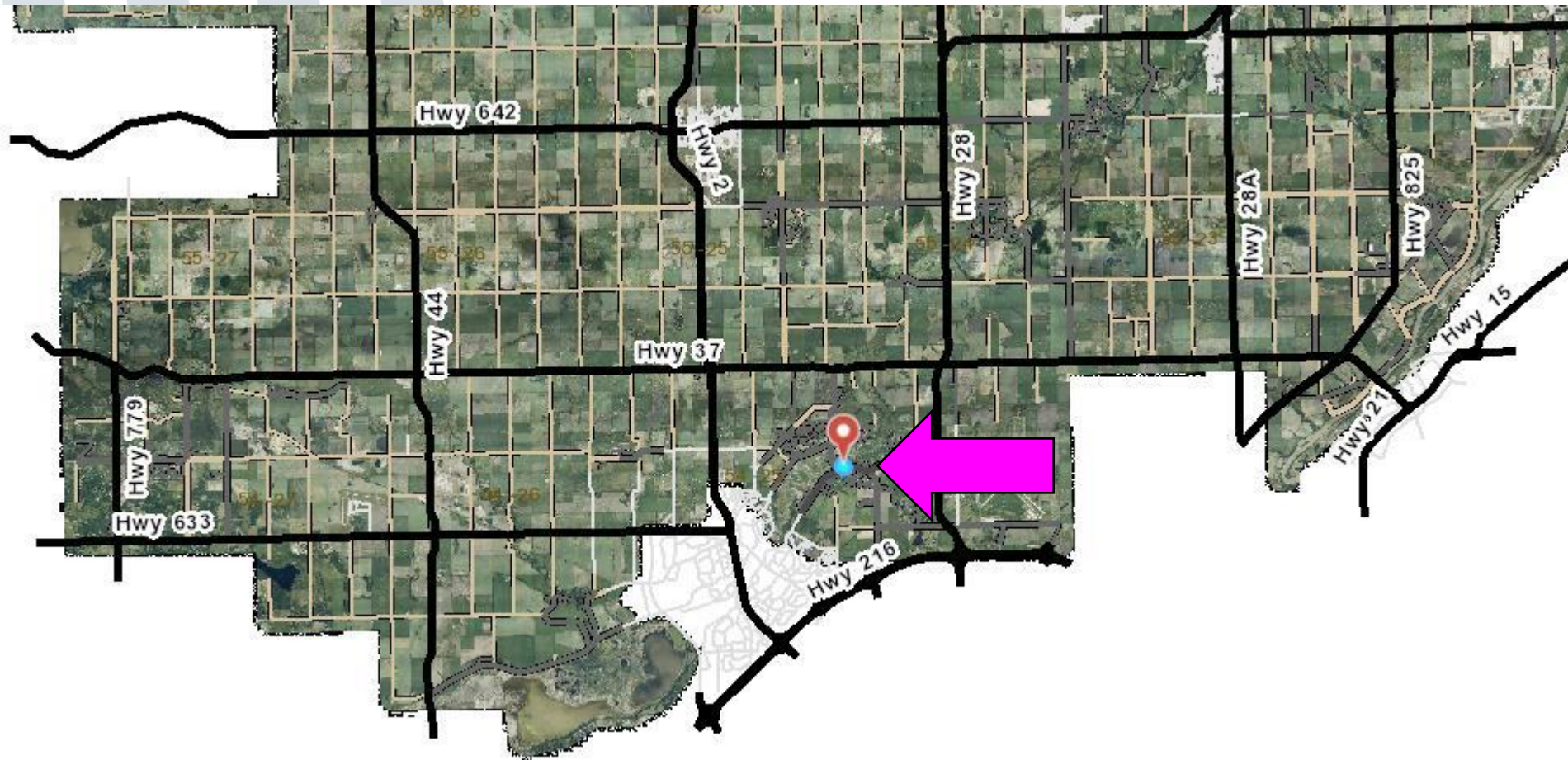
Development Authority Report

August 8, 2023

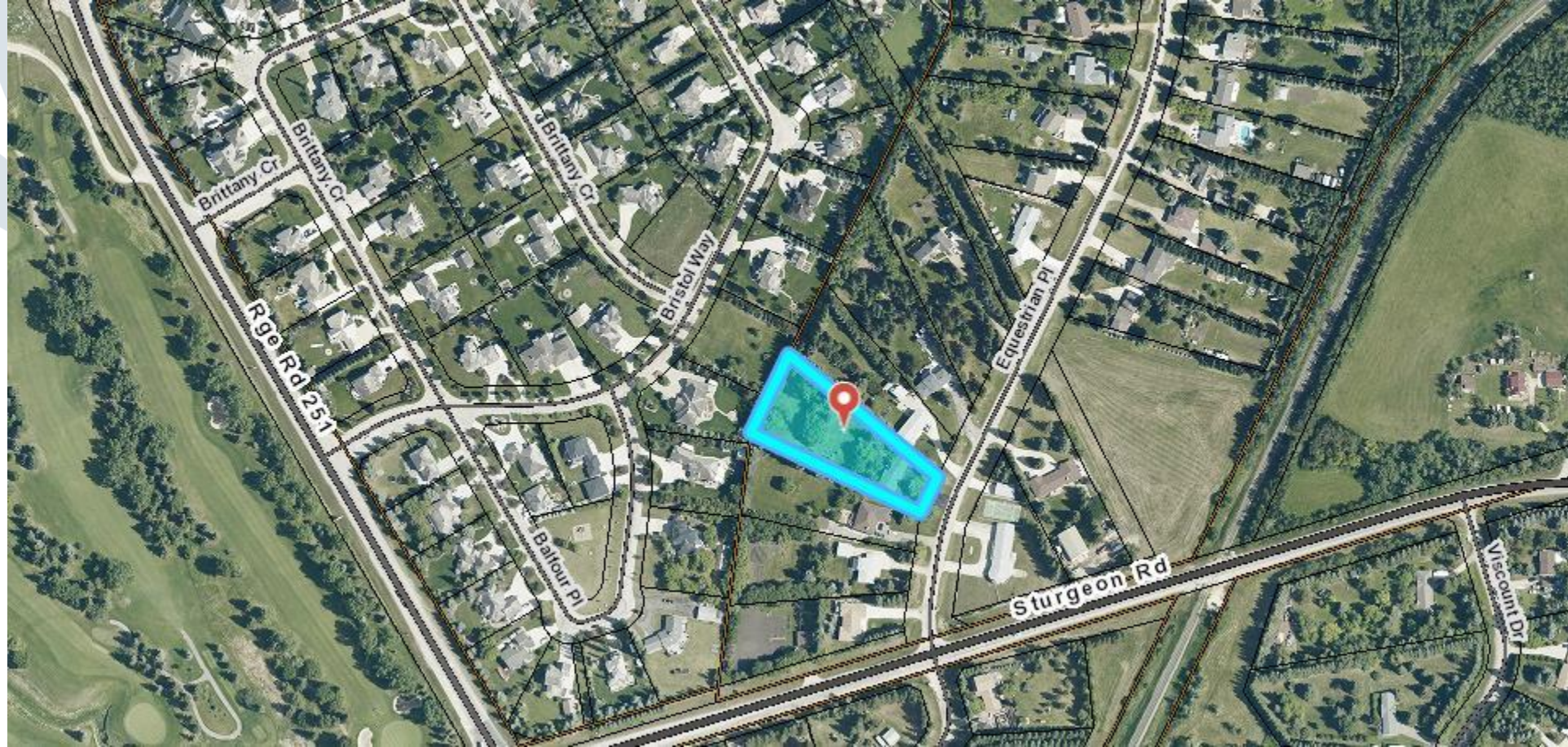


Sturgeon
C O U N T Y

Site Location (Lower Manor Estates)



Site Location



Background

- A development permit application was received for to construct a 46.5m²(500ft²) addition to the attached garage to be 1.25m(4.09ft) from the side property line which requires a variance of 1.75m(5.74ft) or 58.3%.
- The application was refused as the variance exceeded the maximum percentage that could be granted the Development Authority of 40%.
- The landowner appealed the decision on July 13, 2023.

Property Information



8, 25028 Sturgeon Road

Lot 4; Block 1; Plan 7621624

- 0.5 ha in size
- R2 – Country Estate Residential District
- Development Records
 - Permit 407-76 – Single Detached Dwelling
 - Compliance Approved June 22, 1990

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 |
|-------------------------|---|---|
| R1– Country Residential | 0.1 – 19.9% | 20.0 – 40% |

Section 12.2 R2 – Country Estate Residential District

.4 Development Regulations

| Minimum <i>front yard setback</i> | <i>Abutting a local road</i> | 12m (39.4ft) |
|-----------------------------------|------------------------------|--|
| | <i>Flanking front yard</i> | 10m (32.8ft) |
| Minimum <i>side yard setback</i> | <i>Principal building</i> | 3m (9.8ft), or 10% of <i>parcel width</i> , whichever is the lesser, but shall not be less than 2.5m (8.2ft) |
| | <i>Accessory building</i> | 2.5m (8.2ft) |

Analysis

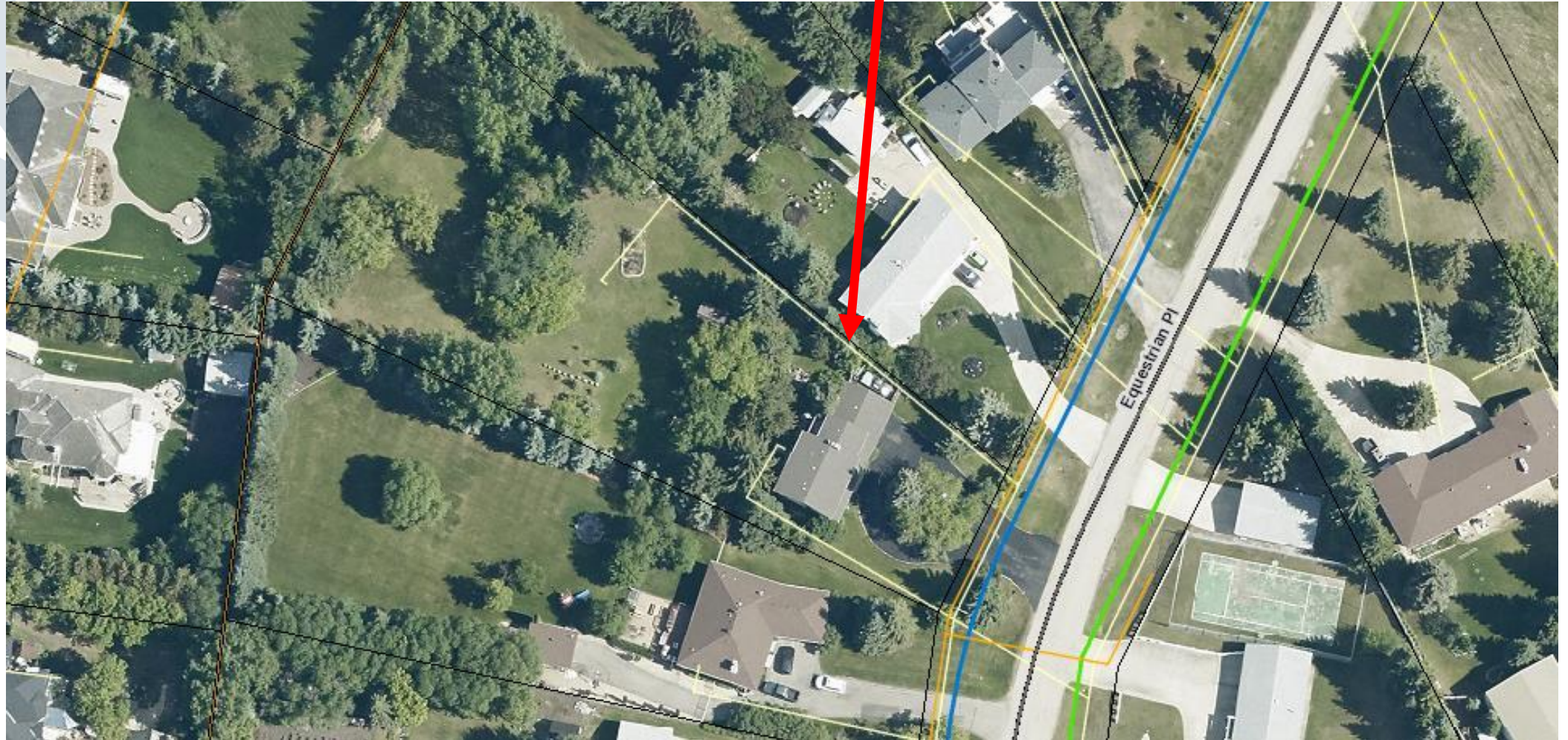
Photo



Analysis

GIS

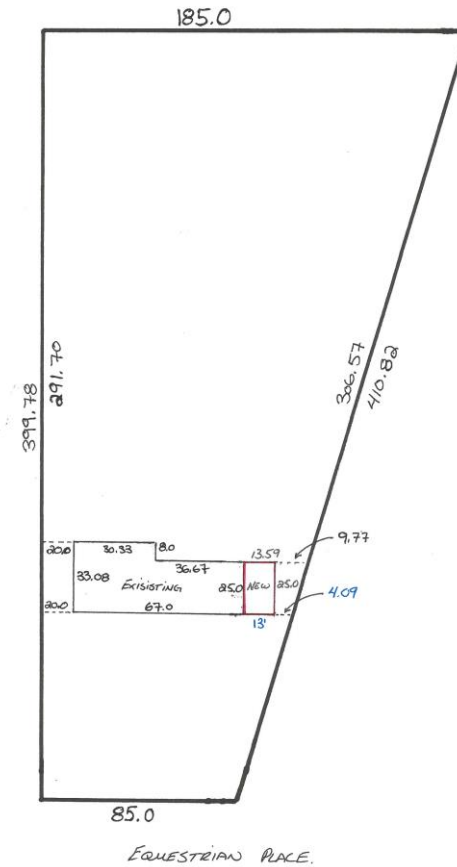
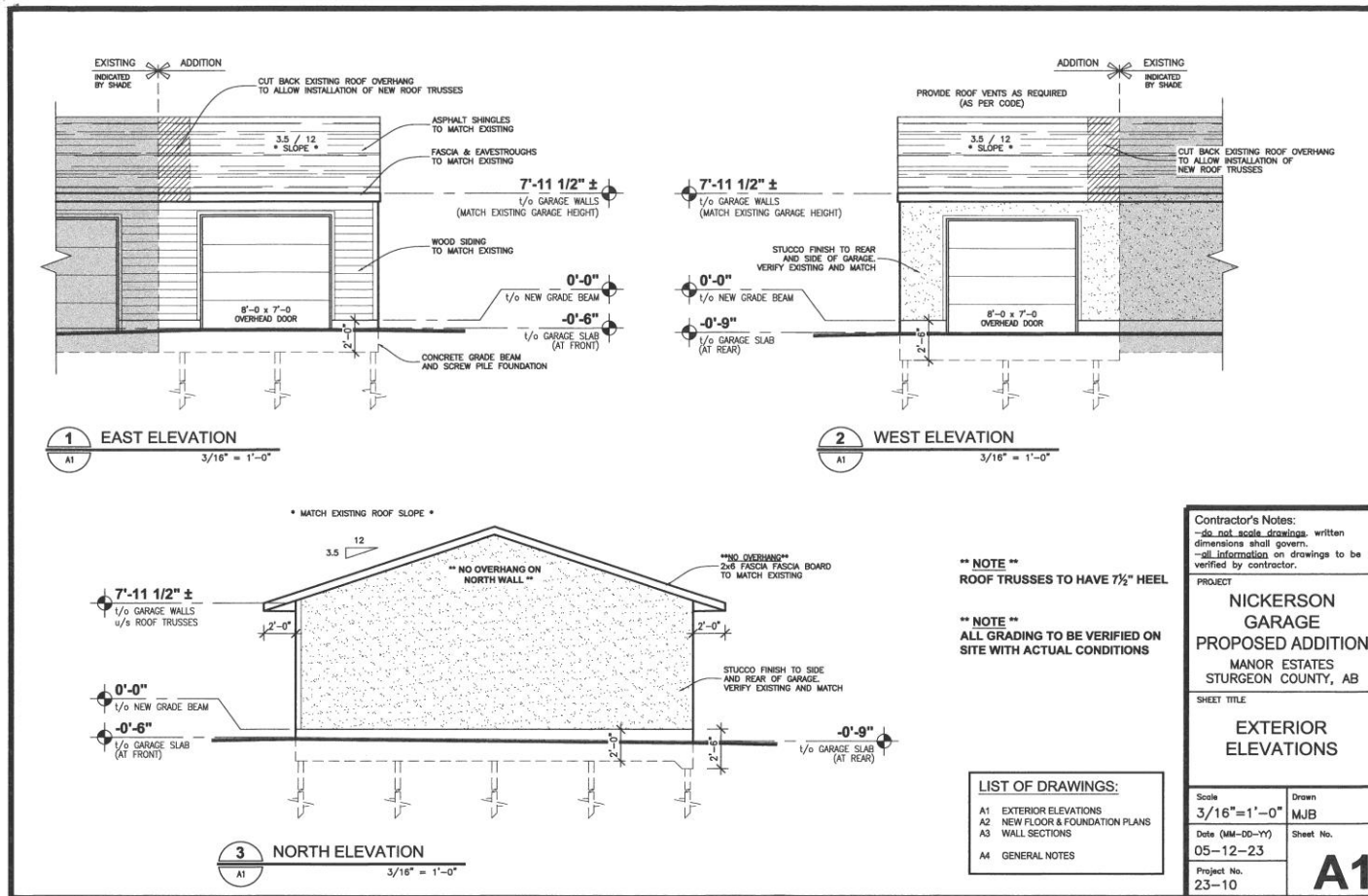
Gas Line – No longer in service



Analysis

Drawings and Site Plan

NICKERSON RESIDENCE.
 8-25028 - STURGEON RD, STURGEON COUNTY, TBTOA9
 LOT 4 BLOCK 1 PLAN 762 1624.



Conclusion

Recommendation

The Board could support the decision of the Development Authority to refuse the proposed development in keeping with Sturgeon County's Land Use Bylaw 1385/17 regulations.

Or

The Board could choose to grant the appeal and approve to construct an addition to the attached garage with a variance to the side yard setback, subject to the following conditions as recommended by Administration as listed on pages 3 and 4 of the report.

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

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

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

*NOTE:

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

Appeal #3

023-STU-018 Appealing the
Development Authority's refusal to
construct a deck and lean to addition to
an accessory building with a variance to
the side yard setback

SUBDIVISION & DEVELOPMENT APPEAL BOARD

| | |
|---|--|
| Site Information: | |
| Municipal Address of site: <i>15-25012 Sturgeon County AB.</i> | <div style="border: 1px solid black; padding: 5px;">Severed in line with section 17 of the FOIP Act</div> <p>Date Received Stamp</p> |
| Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’) <i>2316 WY 218 Sturgeon County</i> | |
| Development Permit number or Subdivision Application number: <i>305 305-23 DO 197</i> | |

| | | |
|---|-----------------|-----------------------------|
| Appellant Information: | | |
| Name: <i>Ray Schmidt</i> | Phone: | Agent Name: (if applicable) |
| Mailing Address: <i>15-25012 Sturgeon County AB.</i> | City, Province: | |
| Postal Code: <i>T8T 0C3</i> | 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"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal | <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <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

WE WANT THE DECK TO GO TO THE EDGE OF THE EXISTING BLDG.

(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.

| | |
|--|--|
| Signature of Applicant: _____ | Date: <i>JULY 19 / 2023</i> |
| FOR OFFICE USE ONLY | |
| SDAS Appeal Number: _____ Severed in line with section 17 of the FOIP Act | Appeal Fees Paid: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Hearing Date: YYYY/MM/DD |



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

SCHMIDT, RAY

Receipt Number: 202305789
 GST Number: 107747412RT0001
 Date: 2023-07-19
 Initials: TM

| 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> |
| | | | Mc: \$100.00 | |
| | | | Total Monies Received: \$100.00 | |
| | | | Rounding: \$0.00 | |
| | | | Amount Returned: \$0.00 | |

July 20, 2023

SDAB File Number: 023-STU-018

Dear Ray Schmidt:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: Plan 2316NY; Block 2; Lot 8 Sturgeon Crest
15-25012 Sturgeon Road

Decision Regarding Proposed Development: Development Permit refused to construct a deck and lean
to addition to an accessory building with a variance to the
side yard setback

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on July 19, 2023. 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 8, 2023 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 867 183 173#. 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 3, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

Should you require further information, call (780) 939-8277 or (780) 939-1377 or email legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

July 20, 2023

SDAB File Number: 023-STU-018

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 2316NY; Block 2; Lot 8 Sturgeon Crest
15-25012 Sturgeon Road

Decision Regarding Proposed Development: Development Permit refused to construct a deck and lean
to addition to an accessory building with a variance to the
side yard setback

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

- The Appellant wants the proposed deck to extend to the corner of the existing building.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **August 8, 2023 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 867 183 173#. 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 3, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their 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. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

For further information, please call (780) 939-8277 or (780) 939-1377 or email legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

305305-23-D0197

Lot 8; Blk 2; Plan 2316NY Sturgeon Crest

19-Jul-2023



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

Notification of Refusal Letter

Date: Jul 14, 2023

Permit Number: 305305-23-D0197

To: Schmidt, Raymond R.
15-25012 Sturgeon Rd.
Sturgeon County, ALBERTA
T8T 0C3

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-23-D0197 to construct a deck and lean to addition to an accessory building with a variance to the side year setback was refused on Jul 14, 2023.

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

| | |
|-----------------|-----------------|
| Permit No.: | 305305-23-D0197 |
| Tax Roll No.: | 2794000 |
| Decision Date: | Jul 14, 2023 |
| Effective Date: | Aug 4, 2023 |

Applicant

Name: Schmidt, Raymond R.
Address: 15-25012 Sturgeon Rd.
 Sturgeon County, ALBERTA
 T8T 0C3
Phone:
Cell:
Email:

Severed in line with section 17 of the FOIP Act

Owner

Name: Schmidt, Raymond R.
Address: 15-25012 Sturgeon Rd.
 Sturgeon County, ALBERTA
 T8T 0C3
Phone:
Cell:
Email:

Property Description

Legal Land Description: 2316NY; 2; 8 Sturgeon Crest
Land Use Description: R2 - Country Estate Residential District
Rural Address: 15-25012 Sturgeon Rd

Description of Work

To construct a deck and lean to addition to an accessory building with a variance to the side yard setback

Fees

| | |
|--|----------|
| Accessory Building, Discretionary Use / Variance Request | \$210.00 |
|--|----------|

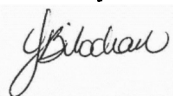
Permit Conditions

The application is **REFUSED** for the following reasons:

- Section 12.2.4 of Land Use Bylaw 1385/17 states, *the minimum side yard setback is 2.5m (8.2ft)*. A variance is requested to relax the required side yard setback to 1.2m(4.0ft). Therefore, the requested variances are 1.3m(4.2m) or 52%.
- 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 R2 – Country Residential District is 40%.

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

Issued By:



Yvonne Bilodeau
Development Officer

Municipality

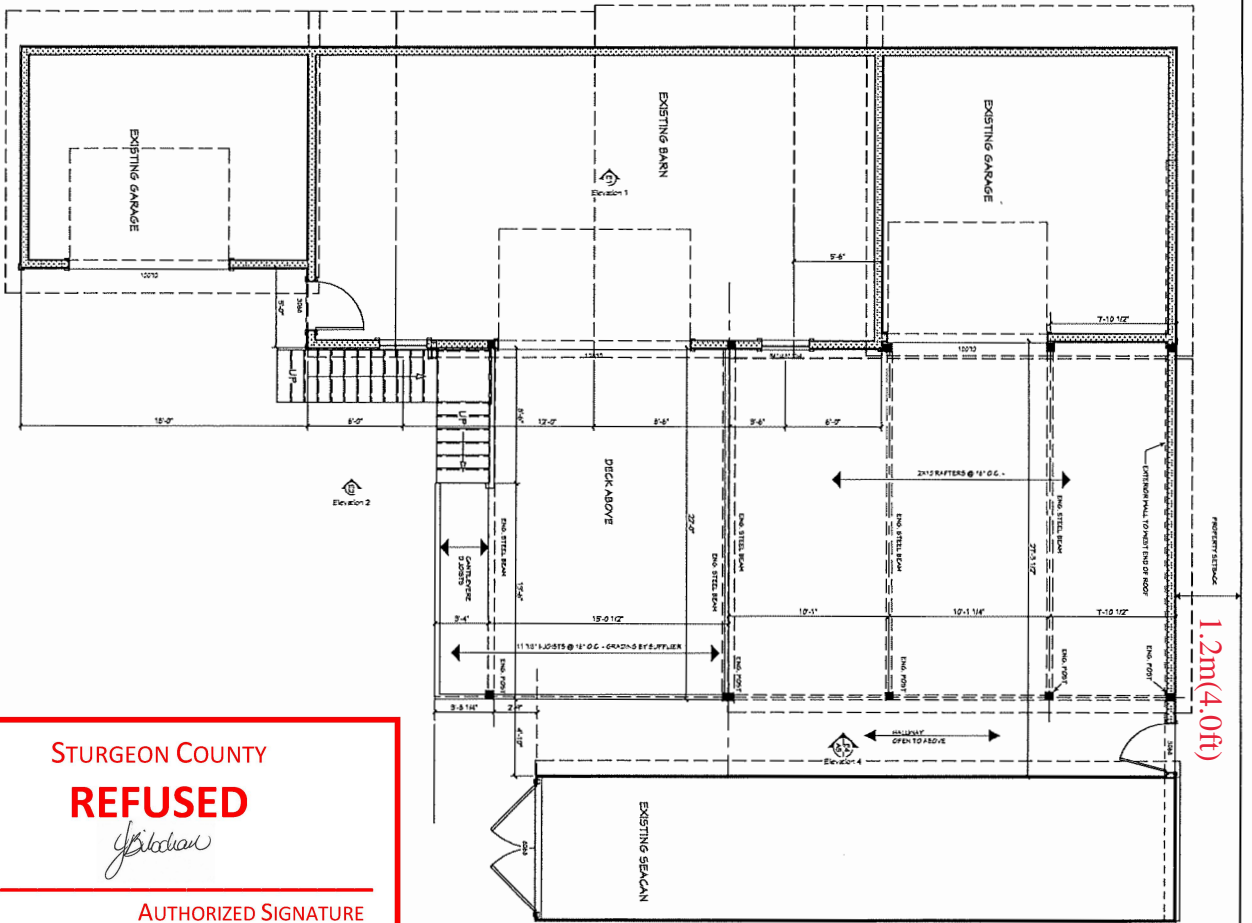
Sturgeon County
 9613 – 100 Street Morinville, AB T8R 1L9
 Phone: (780) 939-8275
 Fax: (780) 939-2076
 Toll Free: 1-866-939-9303

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.

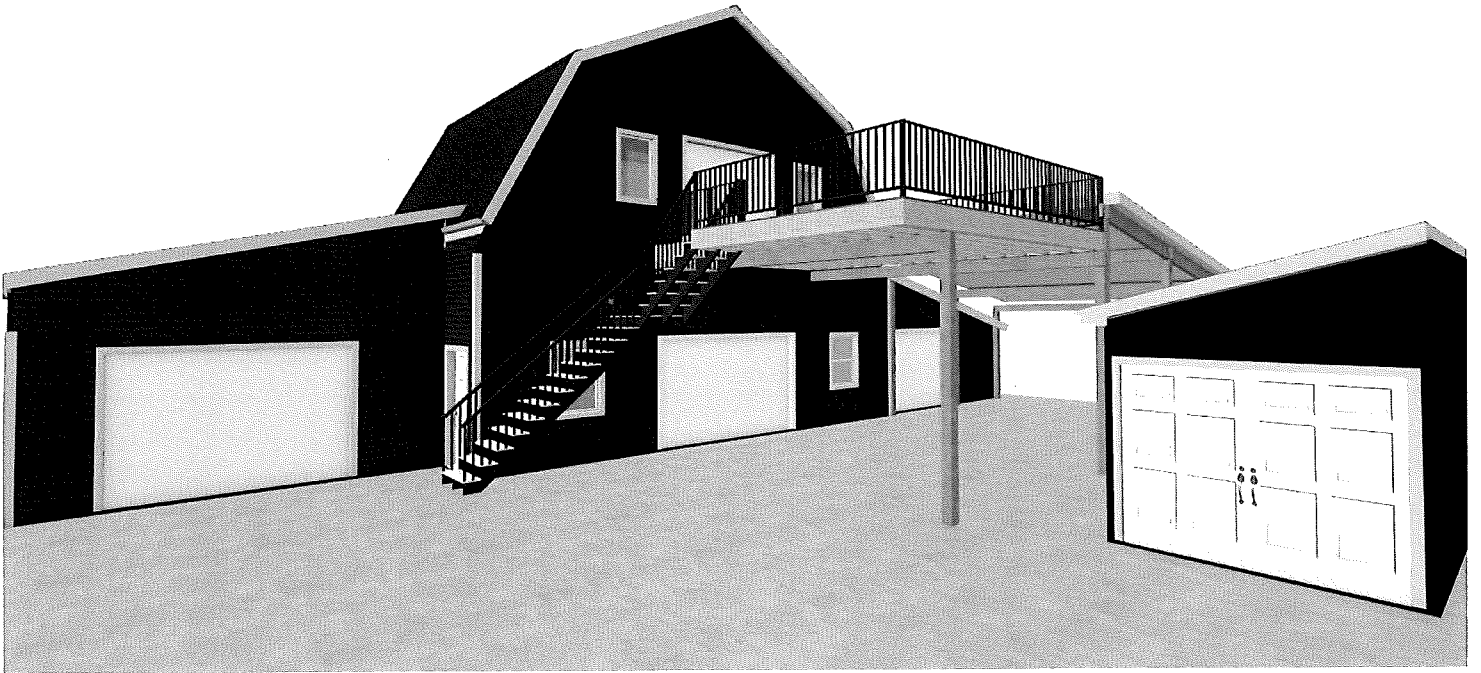
If the application is the subject of a license, permit, approval, or other authorization granted by the Minister of Environment and Parks or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act, or granted by the Natural Resources Conservation Board,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



STURGEON COUNTY
REFUSED
J. Gibb
AUTHORIZED SIGNATURE
305305-23-D0197 July 14, 2023
DATE

| | | | | | | | | | |
|-----|---|-----------------------------------|-----------------|-----------------|--------|--------------|------------|------------|--------|
| PAC | PARK AVENUE CONTRACTING ARCHITECTURAL DESIGN AND DRAFTING 1512-45 AVENUE - SANGUDO, ALBERTA T0E 2A0 - 780-870-2792 | PREPARED FOR: CUSTOMER/BUILDER | PROJECT ADDRESS | SHEET: | DN BY: | SCALE: | DATE: | FILE: | SHEET: |
| | | CUSTOMER NAME: CUSTOMER | ADDRESS | MAIN FLOOR PLAN | DEAN | 1/4" = 1'-0" | 2023-06-09 | ray schlot | A3 |



STURGEON COUNTY

REFUSED

J. Gibbon

AUTHORIZED SIGNATURE

305305-23-D0197 July 14, 2023

DATE



STURGEON COUNTY

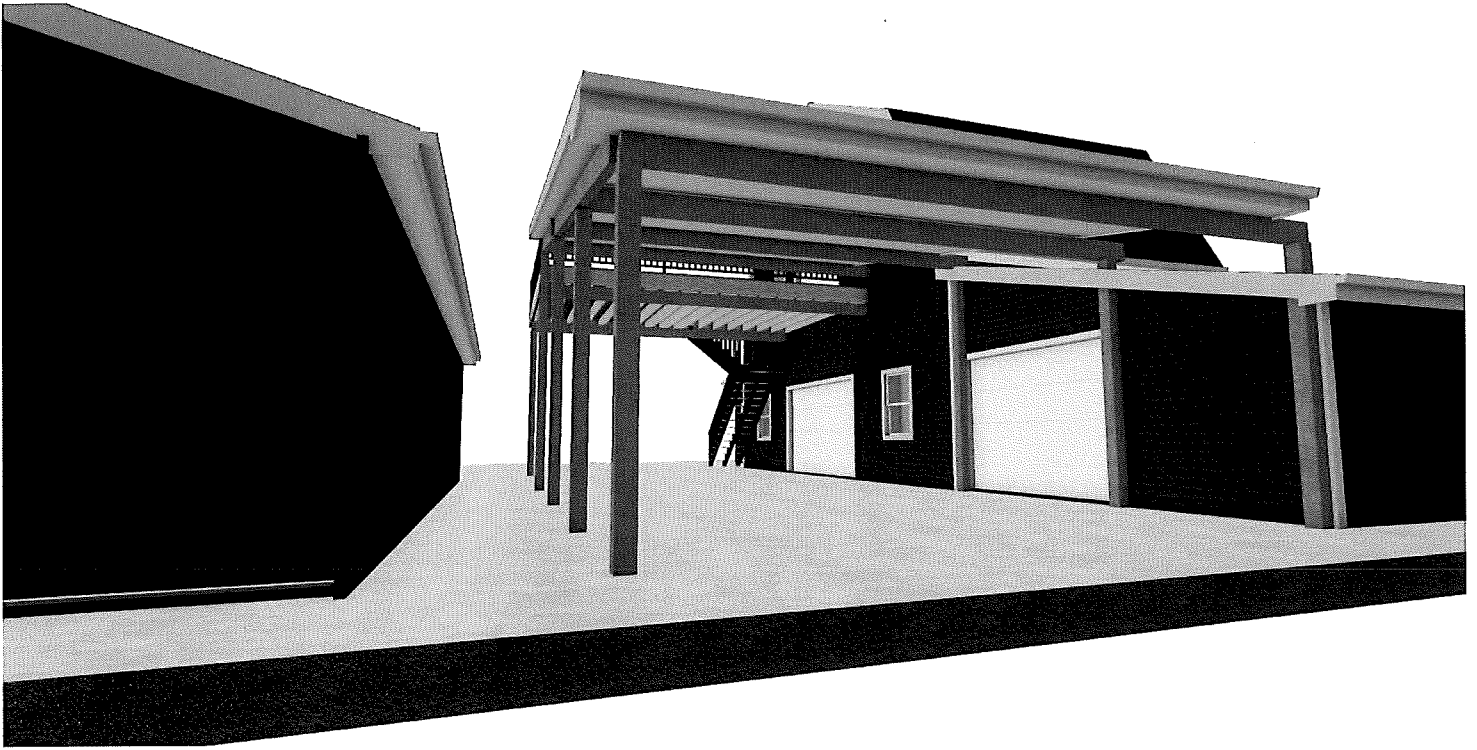
REFUSED



AUTHORIZED SIGNATURE

305305-23-D0197 July 14, 2023

DATE



STURGEON COUNTY

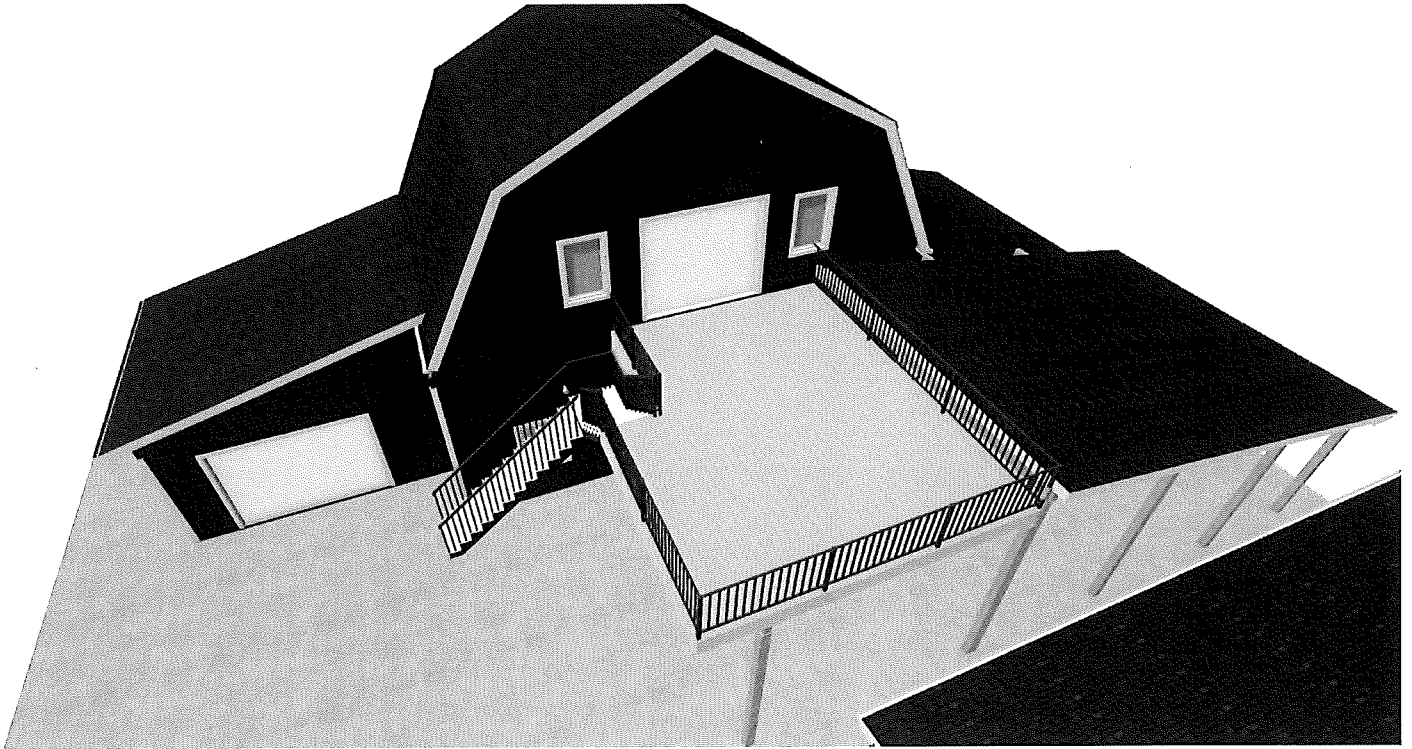
REFUSED

J. Giblin

AUTHORIZED SIGNATURE

305305-23-D0197 July 14, 2023

DATE



STURGEON COUNTY

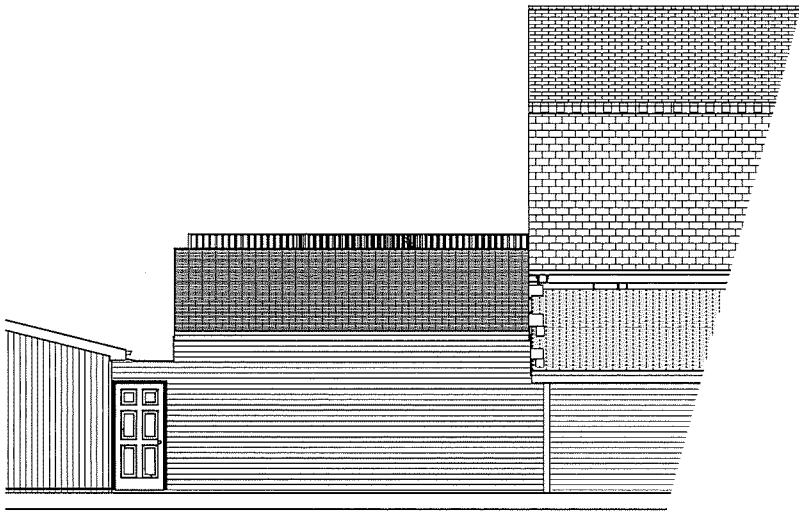
REFUSED

J. Gibbon

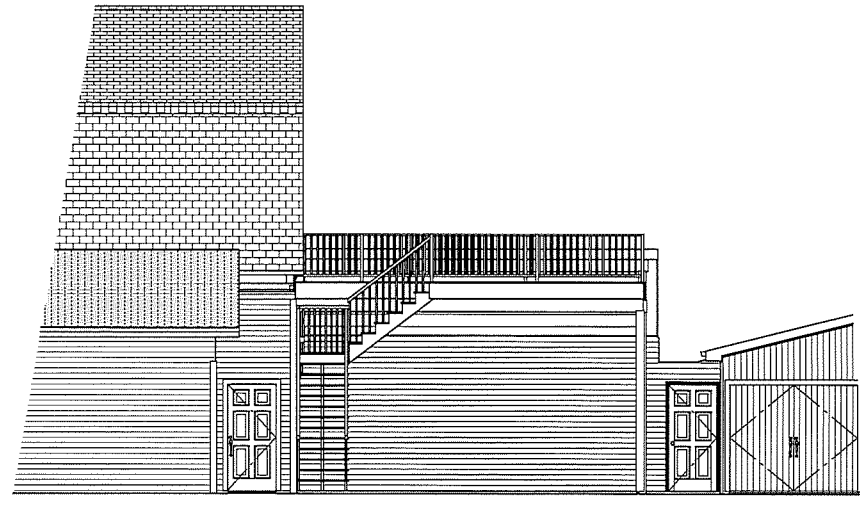
AUTHORIZED SIGNATURE

305305-23-D0197 July 14, 2023

DATE



1
A4 WEST ELEVATION



1
A4 EAST ELEVATION



1
A4 NORTH ELEVATION

STURGEON COUNTY
REFUSED
J. Johnson
 AUTHORIZED SIGNATURE
 305305-23-D0197 July 14, 2023
 DATE

| | | | | | | | | |
|-----|---|----------------------------|---------------------|--|------------------------|---------------------|----------------------|--------------|
| PAC | PREPARED FOR: CUSTOMER/BUILDER CUSTOMER NAME: CUSTOMER | PROJECT ADDRESS ADDRESS | SHEET: ELEVATION | DN BY: DEAN | SCALE: 1/4" = 1'-0" | DATE: 2023-06-09 | FILE: ray schmidt | SHEET: A4 |
| | | | | PARK AVENUE CONTRACTING ARCHITECTURAL DESIGN AND DRAWINGS 1555 25th Avenue - Sanguino, Alberta T0E 2A0 - 780-870-2792 | | | | |



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: | 305305-23-D0197 |
| Date Received: | 14 July 2023 |
| Received By: | DC |

DEVELOPMENT PERMIT APPLICATION

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

APPLICANT INFORMATION

Complete if different from Applicant

| | | | |
|---|-----|--|-----|
| Name of Applicant: <u>RAYMOND SCHMIDT</u> | | Name of Registered Land Owner: <u>RAYMOND SCHMIDT</u> | |
| Mailing Address: <u>15-25012 STURGEON ROAD</u> | | Mailing Address: | |
| City: <u>STURGEON COUNTY ALBERTA</u> | | City: | |
| Postal Code: <u>T8T 0C3</u> | PH: | Postal Code: | PH: |
| E-mail Address: | | Email Address: | |

Contact Name: RAYMOND SCHMIDT Severed in line with section 17 of the FOIP Act

LAND INFORMATION

Legal Description of Property All/Part _____ 1/4 Section _____ Twp. _____ Rge. _____ West of the _____ Meridian
 OR Lot 8 Block 2 Plan No. 2316NY Hamlet or Subdivision STURGEON CREST
 Parcel Size: _____ Rural Address: _____

DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply

| | | | | |
|--|---|---|--------------------|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Accessory Building | <input type="checkbox"/> Kennel | Brief Description: | Development Details: Size: <u>22' x 46'</u> Height: <u>12'</u> Start Date: <u>JULY 1/2023</u> End Date: <u>JULY 1/2024</u> Estimated Project Value: <u>\$15,000.00</u> (cost of material & labour) |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Addition | <input checked="" 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 checked="" type="checkbox"/> Deck | <input type="checkbox"/> Dugout | | |
| | <input type="checkbox"/> Other _____ | | | |

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 g _____ turgeon County to communicate information electronically as per Section 608 (1) of the Municipal Govern

 Signature of Authorized Applicant(s) Date 7/6/23 _____ Date 7/6/23
 Signature of Landowner

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 _____ Signature of Landowner _____ Date _____
 provided. Severed in line with section 17 of the FOIP Act

FOR OFFICE USE ONLY

Permitted Use Discretionary Use

Fee \$ 110.00 Penalty \$ _____ Receipt# 202305715 Tax Roll# 3794000 District R2
 Payment Method: Cash / Cheque / Debit / VISA / Mastercard

M/C or Visa Number _____ Expiry Date: _____
 Name (as it appears on card): _____ Authorized Signature: _____



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

| | |
|-----------------------|-----------------|
| For Office Use | |
| Permit Number: | 305305-23-D0197 |
| Date Received: | 14 July 2023 |
| Received By: | DC |

VARIANCE REQUEST APPLICATION

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

VARIANCE DESCRIPTION

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

PROPERTY LINE SETBACK. FROM 2.5 TO 1.3 METERS

JUSTIFICATION

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

I WANT TO MATCH THE EXISTING BUILDING.

MITIGATION

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

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

THE DECK/CAR PORT WILL NOT BE VISIBLE TO THE NEIGHBOUR.

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 per Section 609(1) of the Municipal Gov

 Signature of Authorized Applicant(s) 06/15/23
 Date

 Signature of Landowner 6/15/23
 Date

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

Severed in line with section 17 of the FOIP Act

Fee \$ 100 Receipt # 202305715 Paid by: 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 Number 23-STU-018

FILE INFORMATION

| | |
|--------------------------|--|
| Department File: | 305305-23-D0197 |
| Legal Land Description: | Lot 8, Block 2, Plan 2316NY |
| Relative Location: | Crestview |
| Appellant: | Schmidt, Raymond |
| Landowner: | Schmidt, Raymond |
| Description of Appeal: | Appealing the decision of the Development Authority, Refusal to construct a deck and lean to addition to an existing accessory building with a variance to the side yard setback |
| Land Use Bylaw District: | R2 – Country Estate Residential District |
| Tax Roll Number: | 2794000 |

BACKGROUND

- A development permit application was received for to construct a raised deck and lean to addition to an existing accessory building to be 1.2m(4ft) from the side property line which requires a variance of 1.3m(4.2ft) or 52%.
- The application was refused as the variance exceeded the maximum percentage that could be granted the Development Authority of 40%.
- The landowner appealed the decision on July 19, 2023.

PROPERTY INFORMATION

- The parcel is 3.78 acres(1.6ha) in area.
- Development Permit D-277-2002 and Building Permit B-262-2002 for the Single detached dwelling.
- Compliance was approved on March 20, 2001 and on April 3, 2003
- Development Permit 305305-05-D0346 Barn (3240ft²) with a variance to the height.
- Development Permit 305305-09-D0542 Existing addition to the Barn with a variance to the size, height and side yard setback.
- SDAB Decision 021-STU-012 (Appendix 1) to approve Development Permit 305305-21-D0266 for an existing accessory building with a variance to the side yard setback, floor area and height.

RELIVANT 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 |
|--------------------------------|---|---|
| R2- Country Estate Residential | 0.1 – 19.9% | 20.0 – 40% |

SECTION 12.2 R1 – COUNTRY RESIDENTIAL DISTRICT

.4 Development Regulations

| Minimum <i>front yard setback</i> | <i>Abutting a local road</i> | 12m (39.4ft) |
|-----------------------------------|------------------------------|--|
| | <i>Flanking front yard</i> | 10m (32.8ft) |
| Minimum <i>side yard setback</i> | <i>Principal building</i> | 3m (9.8ft), or 10% of <i>parcel width</i> , whichever is the lesser, but shall not be less than 2.5m (8.2ft) |
| | <i>Accessory building</i> | 2.5m (8.2ft) |
| Minimum <i>rear yard setback</i> | <i>Principal building</i> | 6m (19.7ft) |
| | <i>Accessory building</i> | 2.5m (8.2ft) |
| Maximum <i>height</i> | <i>Principal building</i> | 12m (39.4ft) |
| | <i>Accessory building</i> | 8m (26.2ft) |
| Minimum <i>floor area</i> | <i>Principal building</i> | 100m ² (1,076.4ft ²) |
| Maximum <i>floor area</i> | <i>Accessory building</i> | 140m ² (1,506.9ft ²) |
| Maximum <i>parcel coverage</i> | | 35% |

ANALYSIS

- The development permit application was refused in accordance with the regulations of the Land Use Bylaw 1385/17 as stated above.
- The reason for appeal is: *We want the deck to go to the edge of the existing building.*
- The existing barn and accessory building are both at the same distance from the property line and will be sheltered from view from the adjacent properties accessory building.
- Administration is aware of the structures located on the reserve land owned by the appellant. Sturgeon County is currently drafting policy to address these types of non conformance issues expected to go before Council in the fall.
- The SDAB decision for 021-STU-012 was also for this building and was supported by the board as it considered it would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land - Bullet [19]
- A deck or lean to are not considered in the calculation of maximum floor area, therefore this proposal can be supported. If approved, a condition of the permit would be that the

lean to remain unenclosed and the deck remain uncovered. If either of the structures are further developed in this manner they would be considered into the calculation of floor area and would require further variances.

- It should be noted the variances to the floor area were already granted for this building.
- The building code inspector reviewed the drawings and advised that there is no prescribed setback for a garage and accessory building on a personal use property.
- Referral to other internal departments was not required as the development does not affect any infrastructure.

CONCLUSION

The Board could support the decision of the Development Authority to refuse the proposed development in keeping with Sturgeon County's Land Use Bylaw 1385/17 regulations.

Or

- The Board could choose to grant the appeal and approve to construct a deck and lean to addition to an existing accessory building with a variance to the side yard setback subject to the following conditions as recommended by Administration.
 1. Prior to any construction occurring on site, a separate building permit shall be obtained and approved. Minimum construction standards shall conform to the requirements of the current Alberta Building Code.
 2. That electrical, gas, plumbing and private sewage disposal permits be obtained as required.
 3. The minimum building setbacks are:
 - Side yard: Variance Granted to 1.2m(4ft)**
 4. The deck shall remain uncovered and the lean to shall remain unenclosed.
 5. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. In the event that 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.
 6. That 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.

7. The exterior finish of the dwelling shall be completed within two years of the date of issuance of the development permit.
8. 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 granted by the Development Authority.

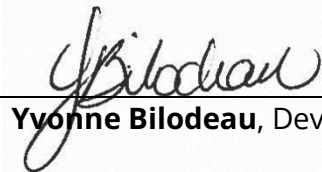
Advisory Notes:

1. Please be advised an approved building permit is required prior to any construction occurring on site. Construction occurring prior to the issuance of a building permit is subject to a double fee penalty. Early excavation, prior to building permit approval, can result in standing water, potential for freezing and can cause safety hazards for neighbouring properties if the area is open for longer than necessary.
2. 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.
3. It is the responsibility of the applicant/landowner to ensure that all development, and activities associated with the development, complies with any federal, provincial, or municipal laws/legislation and any required license, permit, approval, authorization, regulation, or directive.

ATTACHMENT(S)

- Appendix 1 – SDAB Decision 021-STU-012

Prepared By:



Yvonne Bilodeau, Development Officer

Reviewed By:

Tyler McNab Digitally signed by Tyler McNab
Date: 2023.07.31 09:59:12 -06'00'

Tyler McNab, Program Lead, Development & Safety Codes

Appeal File Number: 021-STU-012
Application Number: 305305-21-D0266
Appeal Against: Development Authority of Sturgeon County
Appellant: Ray Schmidt
Date and Location of Hearing: October 5, 2021
Held via Videoconference
Date of Decision: October 19, 2021
SDAB Members: Chair Julius Buski, Dave Kluthe, Allan Montpellier, Amanda Papadopolous

NOTICE OF DECISION

IN THE MATTER OF an appeal by Ray Schmidt of the Development Authority's refusal to leave an existing accessory building as built with a variance to the side yard setback, floor area and height at Plan 2316NY; Block 2; Lot 8 Sturgeon Crest within Sturgeon County.

- [1] This is the decision of the Sturgeon County Subdivision and Development Appeal Board (the "SDAB" or "Board") on an appeal filed with the SDAB pursuant to sections 685 of the Municipal Government Act, R.S.A. 2000, c. M-26 (the "MGA" or "Act").
- [2] In making this decision, the Board reviewed all the evidence presented and considered provisions of the *Municipal Government Act*, Sturgeon County's Land Use Bylaw 1385/17 (the Land Use Bylaw or LUB), and Sturgeon County's Municipal Development Plan (MDP), and any amendments thereto.
- [3] The following documents were received prior to the hearing and form part of the record:
 - The Notice of Appeal;
 - A copy of the development permit application with attachments;
 - The Development Officer's written decision;
 - Planning and Development Services Report; and
 - The Appellant's submissions.

PRELIMINARY MATTERS

- [4] There were no preliminary matters addressed at the hearing.

PROCEDURAL MATTERS

- [5] The appeal was filed on time and in accordance with section 686 of the MGA.

- [6] There were no objections to the proposed hearing process as outlined by the Chair.
- [7] There were no objections to the composition of the Board hearing the appeal.
- [8] The Board is satisfied that it has jurisdiction to deal with this matter.

ISSUES

- [9] The Appellant raised the following grounds of appeal:
 - The variance is required as the structure is already built and is used as tractor storage.

RECOMMENDATION OF THE DEVELOPMENT AUTHORITY

Yvonne Bilodeau, representative for the Development Authority, provided a presentation which included the following information:

- [10] The accessory building is located in the R2 – Country Estate Residential District. It is approximately 1.2 metres (3.9 feet) from the side property line. The building is a barn type structure that is used to store the landowners’ tractor collection and is 371.6 square metres (4,000 square feet) and 9.1 metres (30 feet) in height
- [11] Section 2.8.6(b) of the Land Use Bylaw states that variances for the districts in excess than 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 R2 – Country Estate Residential District is 40%.
- [12] Two of the requested variances exceed 50%. The floor area exceeds the maximum by 231.6 square metres (2,493.3 square feet) which equates to 165% and the side yard setback exceeds the maximum by 1.3 metres (4.2 feet) which equates to 52%.

SUMMARY OF APPELLANT’S POSITION

- [13] The building was specifically built to store antique John Deere tractors
- [14] The owner is very particular of what is placed on his property and the building is neat and clean and in no way an eye sore to neighbouring properties.
- [15] The owner was unaware that there were any issues with the structure at the time of development and had he known he would have proceeded differently.
- [16] The owner agrees with all the conditions as set out by the Development Authority.

DECISION

- [17] **The Board GRANTS the appeal, REVOKES the decision of the Development Authority made on August 27, 2021 to refuse development permit application 305305-21-D0266, and APPROVES the**

development permit with the following conditions:

1. A building permit shall be obtained and approved. Minimum construction standards shall conform to the requirements of the current Alberta Building Code.
2. Separate electrical, plumbing or gas permits be obtained as required.
3. A variance to the side yard setback is granted at 1.2m (3.9ft) or 52%.
4. The accessory building shall not be used as a dwelling.
5. The accessory building shall not exceed 371.6m²(4,000ft²) in floor area and 9.1m(30ft) in height. A variance of 165% and 15% respectively is granted.
6. The accessory building shall be used for personal use only, any other use is subject to subsequent development permit approval.
7. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. In the event that 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.
8. The applicant/landowner shall adhere to the documents registered on title. No development shall encroach on or be erected on an easement or right-of-way unless the owner of the encroaching structure has obtained written consent from the owner or licensee to which the easement or right-of-way has been granted.

Advisory Notes:

1. It is the responsibility of the applicant/landowner to ensure that all development, and activities associated with the development, complies with any federal, provincial, or municipal laws/legislation and any required license, permit, approval, authorization, regulation, or directive.

REASONS FOR THE DECISION

- [18] The Appellant's request is to leave an existing accessory building as built. In accordance with section 2.8.6(b) of the Land Use Bylaw the maximum percentage of variance that may be granted by the Development Authority in the R2 – Country Estate Residential District is 40%. A variance request in excess of what has been prescribed shall be refused by the Development Authority. The required variances of 165% and 52% exceed the maximum percentage that may be granted.
- [19] The Board finds that, in accordance with section 687(3)(d) of the *Municipal Government Act*, the Board may issue a development permit even though the proposed development does not comply with the Land Use Bylaw if, in the Board's opinion, 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 parcels of land, and the proposed development conforms with the use prescribed for that land in the Land Use Bylaw.

- [20] The Board did not receive submissions from neighbouring property owners and no complaints to the Development Authority have been received for this building.
- [21] Administration is recommending support of the appeal as the proposal does not, in their opinion, unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- [22] For all of these reasons, the Board has decided to grant the appeal and revoke the decision of the Development Authority to refuse the development permit.

Dated at the Town of Morinville, in the Province of Alberta, this 19th day of October 2021.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Sturgeon County



Julius Buski, Chair

Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with Section 688(2)(b), any other persons that the judge directs.

APPENDIX "A"
List of Submissions

- The Notice of Appeal;
- A copy of the development permit application with attachments;
- The Development Officer's written decision;
- Planning and Development Services Report; and
- The Appellant's submission.

023-STU-018

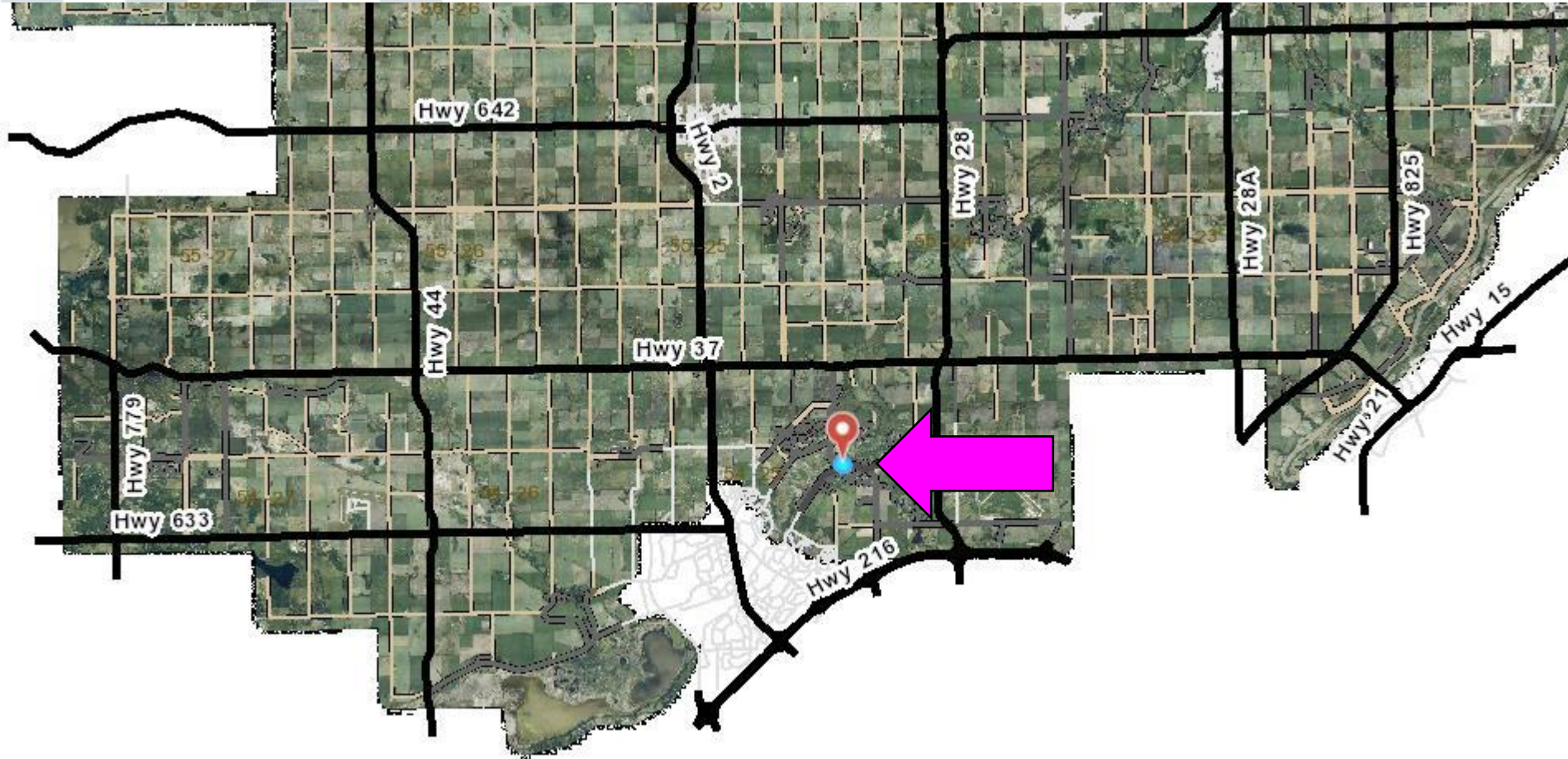
Development Authority Report

August 8, 2023

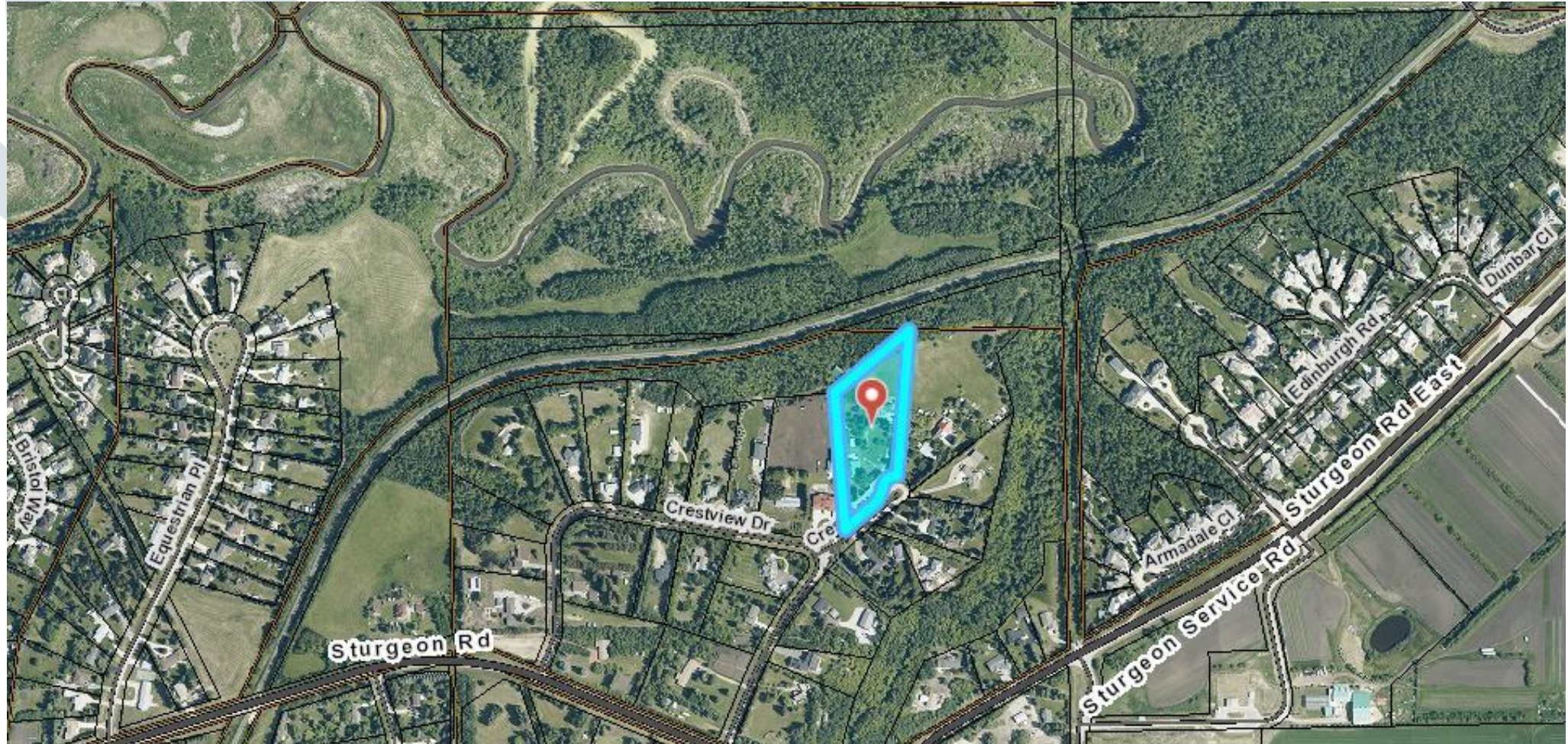


Sturgeon
C O U N T Y

Site Location (Crestview)



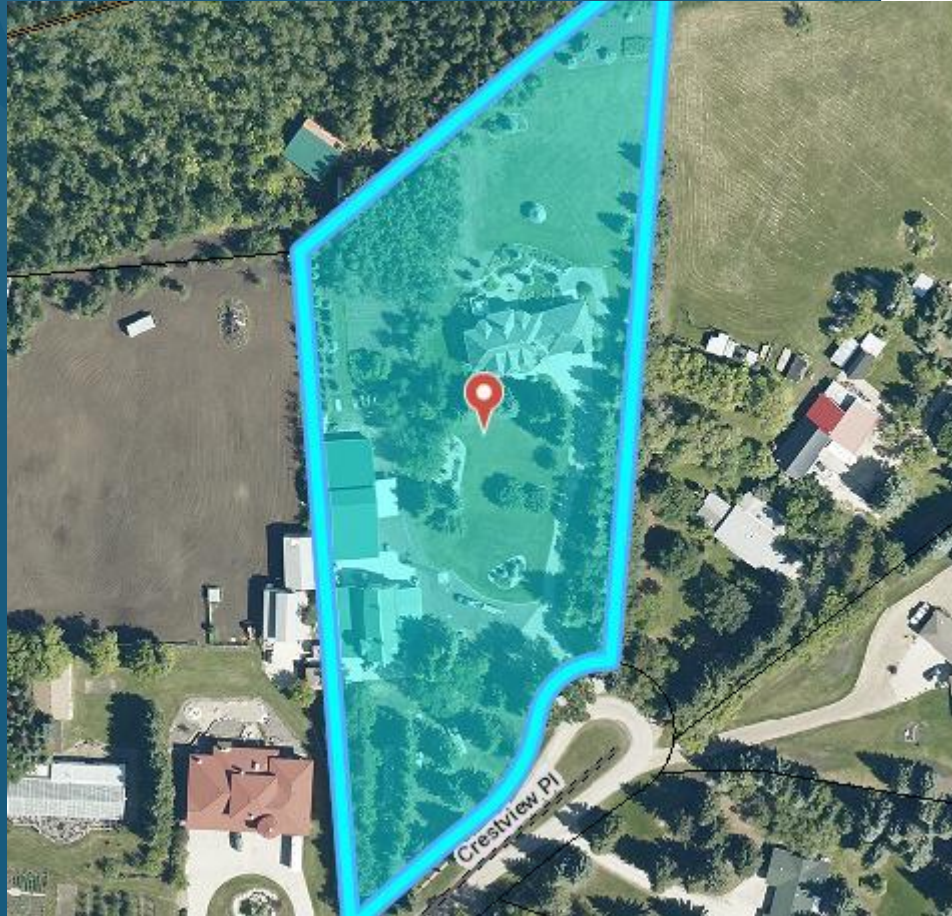
Site Location



Background

- A development permit application was received for to construct a raised deck and lean to addition to an existing accessory building to be 1.2m(4ft) from the side property line which requires a variance of 1.3m(4.2ft) or 52%.
- The application was refused as the variance exceeded the maximum percentage that could be granted the Development Authority of 40%.
- The landowner appealed the decision on July 19, 2023.

Property Information



15, 25012 Sturgeon Road

Lot 8; Block 2; Plan 2316NY

- 1.6 ha in size
- R2 – Country Estate Residential District
- Development Records
 - D-277-2002 Single Detached Dwelling
 - Compliance Approved March 20, 2001 and April 3, 2003.
 - 305305-05-D0346 Barn with variance to height
 - 305305-09-D0542 Existing addition to the Barn with a variance to size, height, and side yard setback
 - 305305-21-D0266 – Existing accessory building with a variance to the side yard setback, floor area and height.

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 |
|-------------------------|---|---|
| R1– Country Residential | 0.1 – 19.9% | 20.0 – 40% |

Section 12.2 R2 – Country Estate Residential District

.4 Development Regulations

| | | |
|-----------------------------------|------------------------------|--|
| Minimum <i>front yard setback</i> | <i>Abutting a local road</i> | 12m (39.4ft) |
| | <i>Flanking front yard</i> | 10m (32.8ft) |
| Minimum <i>side yard setback</i> | <i>Principal building</i> | 3m (9.8ft), or 10% of <i>parcel width</i> , whichever is the lesser, but shall not be less than 2.5m (8.2ft) |
| | <i>Accessory building</i> | 2.5m (8.2ft) |

Analysis

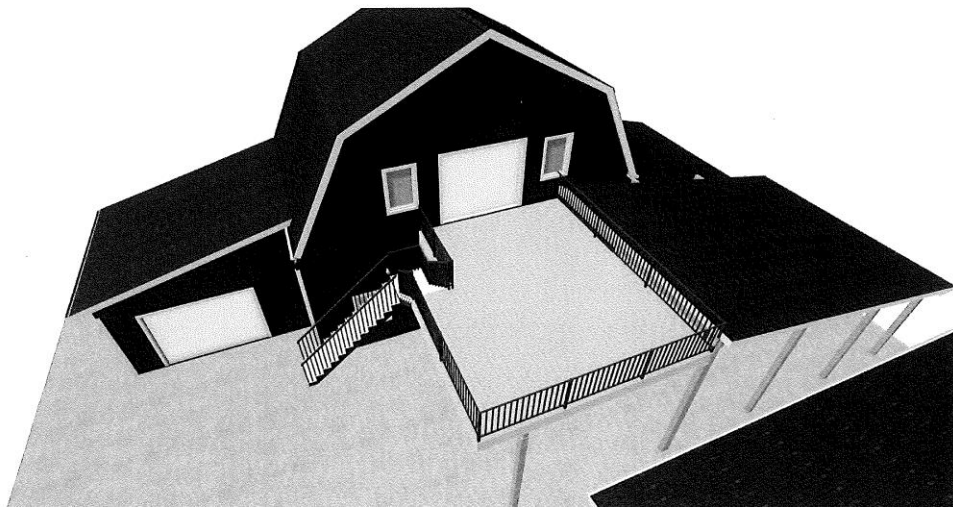
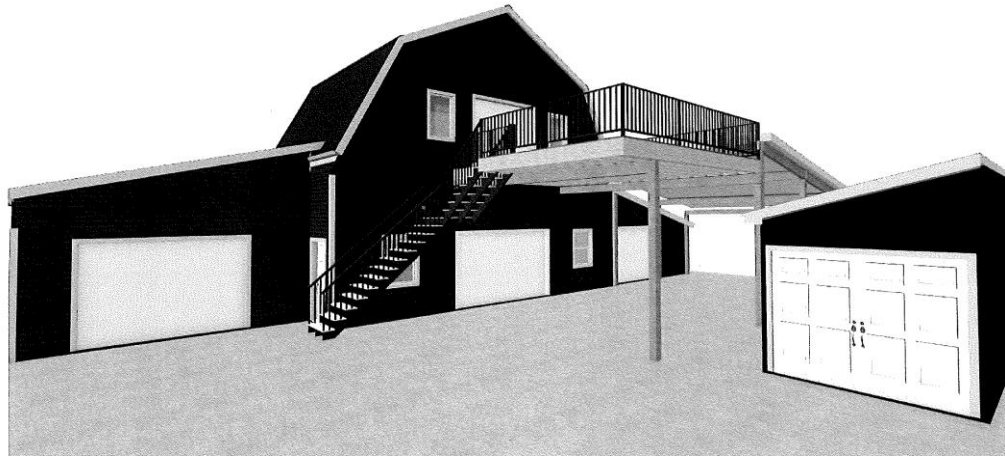
Photo



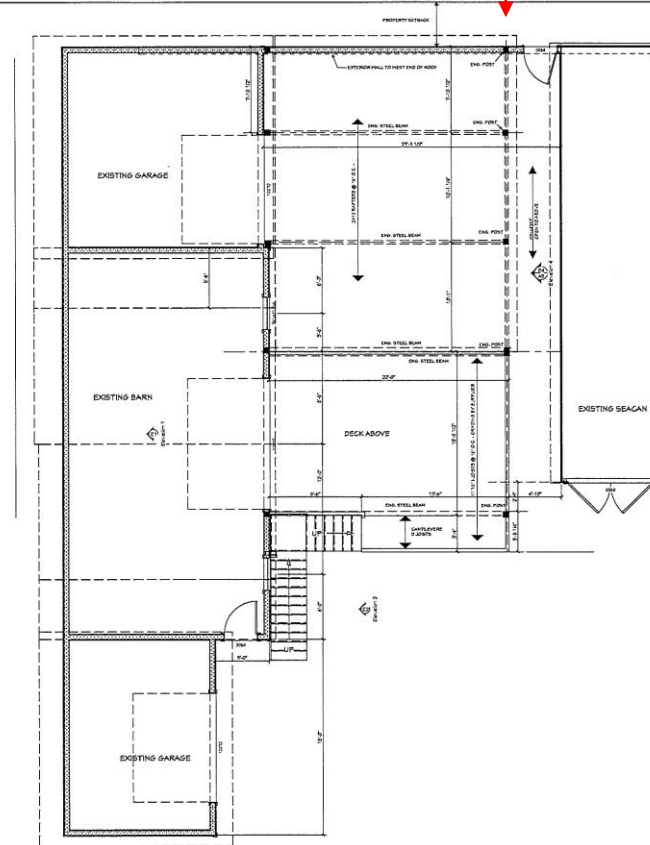
Area of Development

Analysis

Drawings and Site Plan



Setback is 1.2m (4ft)



Conclusion

Recommendation

The Board could support the decision of the Development Authority to refuse the proposed development in keeping with Sturgeon County's Land Use Bylaw 1385/17 regulations.

Or

The Board could choose to grant the appeal and approve to construct a deck and lean to addition to an existing accessory building with a variance to the side yard setback subject to the following conditions as recommended by Administration, on page 3 and 4 of the report.

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

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

WRITTEN
SUBMISSIONS
FROM
ADJACENT
LANDOWNERS
AND OTHER
AFFECTED
PERSONS

*NOTE:

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