

FEBRUARY 1, 2022
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AGENDA
2:00 p.m., VIA VIDEOCONFERENCE

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

2. SCHEDULE OF HEARINGS:

2.1	Appellant: Phyllis Bates	022-STU-001	Development Appeal
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3. ADJOURNMENT



RECEIVED

JAN 06 2022

NOTICE OF APPEAL

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		Date Received Stamp
Municipal Address of site: 55020 RR 234A		
Legal land description of site: ('plan, block, lot' and/or 'range-township-section-quarter') NE 5-55-23-W4		
Development Permit number or Subdivision Application number: #305305-21-D0341		
Appellant Information:		
Severed in line with Section 17 of the FOIP Act		
Name: Phyllis Bates	Phone:	Agent Name: (if applicable)
Mailing Address:	City, Province:	
Postal Code:	Email:	

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

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

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

First and foremost my lot is only 100'x100'. Therefore your min setback of 115' puts me off my property. At no time was I advised that my land is "ag". All taxes read residential only. See attached.

(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	
Signature of Appellant/Agent:	Date: Jan 5 / 2022
FOR OFFICE USE ONLY	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Hearing Date: YYYY/MM/DD

Using only 15% of a 100'x100' lot that is deemed residential according to my taxes, is simply not doable.

I can build a smaller house but it would be shorter in length but the width would still be 38'. Leaving the frontage still at 50'. This frontage does not block any visibility and I fail to see your concern.

I have full intentions to take this to what ever means necessary, This bylaw should have never been put on a small lot.



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

BATES, PHILLIS

Receipt Number: 202200069
GST Number: 107747412RT0001
Date: 2022-01-06
Initials: CS

Severed in line with Section 17 of the FOIP Act

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

January 12, 2022

SDAB File Number: 022-STU-001

Dear Phyllis Bates:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: NE 5-55-23-W4

Decision of Proposed Development: To construct a single detached dwelling with a variance to the front yard setback and parcel coverage

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on January 6, 2022. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **February 1, 2022 at 2:00 p.m. via videoconference**. Prior to the hearing, I will email you a link to the videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, 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 678 549 883#. 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) business days prior to the hearing date. Therefore, written submissions should be submitted by Thursday, January 27, 2022.

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

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board

SDAB File Number: 022-STU-001

January 12, 2022

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: NE 5-55-23-W4

Decision Subject to Appeal: The Development Officer has refused an application to construct a single detached dwelling with a variance to the front yard setback and parcel coverage.

Applicant: Phyllis Bates

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

- Lot size is 100 feet x 100 feet and a setback of 115 feet puts it off the property.
- At no time was she advised that her land is considered Agriculture – property taxes indicate Residential.
- Using only 15% of her lot is not acceptable.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **February 1, 2022 at 2:00 p.m via videoconference.**

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 legislative@sturgeoncounty.ca at least five (5) business days prior to the hearing date and must include your current email address. Therefore, written submissions should be submitted by Thursday, January 27, 2022. Prior to the hearing, I will email you a link to the videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, 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 678 549 883#. This should connect you directly into the hearing.

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

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

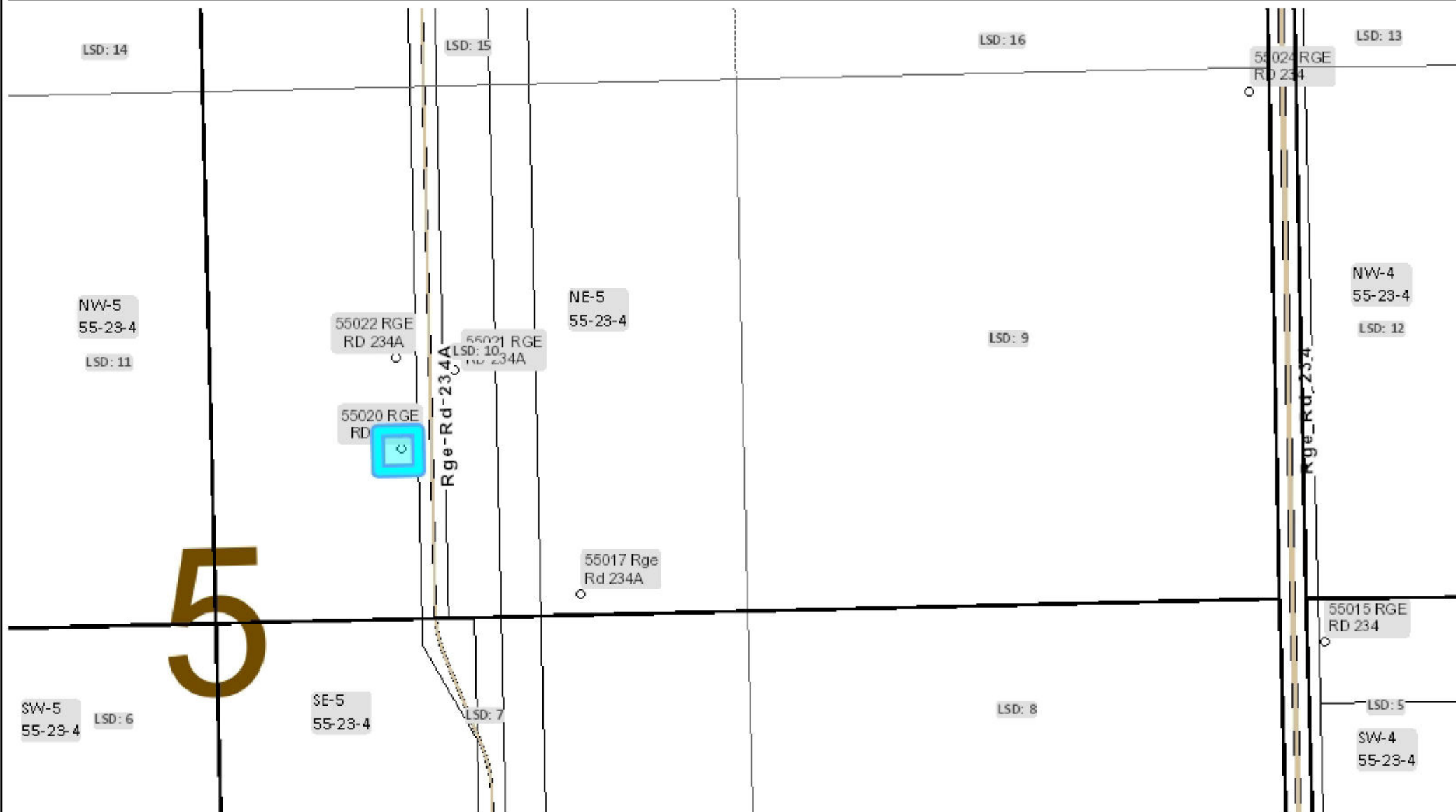
Dianne Mason, Secretary
Subdivision and Development Appeal Board

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

NE 5-55-23-W4

55020 RR 234A Proposed Dwelling

6-Jan-2022



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

NAD_1983_10TM_AEP_Resource
© Sturgeon County

Prepared By: _____
Page 8 of 39



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 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 or written presentation to the Board. ***This information should be submitted to the Secretary at least five (5) business 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 speaking 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 videoconference by dialing 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) business 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: Dec 31, 2021

Permit Number: 305305-21-D0341

To: Bates, Phyllis

Severed in line with Section 17 of the FOIP Act

Re: Decision of the Development Officer

Please be advised that development permit #305305-21-D0341 to construct a single detached dwelling with a variance to the front yard setback and parcel coverage was **refused** on Dec 31, 2021.

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 cursive script that reads "CWilliams".

Carla Williams
Development Officer



Development Permit

Land Use Bylaw 1385/17

Permit No.:	305305-21-D0341
Tax Roll No.:	991000
Decision Date:	Dec 31, 2021
Effective Date:	Jan 21, 2022

Applicant

Name: Bates, Phyllis
Address:

Owner

Name: Bates, Phyllis
Address:

Phone:
Cell:
Fax:
Email:

Phone:
Cell:
Fax:
Email:

Property Description Severed in line with Section 17 of the FOIP Act

Legal Land Description: NE 5-55-23-W4

Land Use Description: AG - Agriculture District

Rural Address: 55020 RR 234A

Description of Work

To construct a single detached dwelling with a variance to the front yard setback and parcel coverage

Fees

Residential Development, Discretionary Use / Variance Request	\$300.00
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The application to construct a single detached dwelling is REFUSED for the following reasons:

1. Pursuant to section 11.1.4 of Land Use Bylaw 1385/17 the minimum front yard setback for a principal dwelling is 35m (114.8ft) within the AG – Agricultural District.

Proposed front yard – 15.2m (49.9ft)

Variance requested – 19.8m (65ft) or 56.6%

2. Pursuant to section 2.8.6(b) variances for the districts in excess of what is prescribed shall be refused by the Development Authority. **The maximum variance that may be granted by the Development Authority in the AG district is 50%.**
3. Pursuant to section 11.1.4 the maximum parcel coverage on an AG – Agricultural Residential parcel is 15%. Parcel coverage shall be calculated as a percentage by dividing the total amount of building footprint on a parcel by the total parcel area.

Parcel is 900m² (0.23 ac) in area

Proposed Dwelling – 145.7m² (1568ft²)

Existing Detached Garage – 55.7m² (600ft²)

Existing shed 5.9m² (64ft²)

Parcel Coverage – 22.3%

4. Pursuant to section 2.8.4 there shall be no variance from the regulations prescribing parcel coverage.

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

Issued By:



Carla Williams
Development Officer

Municipality

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

Appeal Information

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

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

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

PT NE 5

Township:

Range:

Meridian:

Plan:

Block:

Lot:

Lot Size

$$100' \times 100' = 0.23 \text{ ac.}$$

PLEASE DEFINE THE SCALE YOU USED (ex: 4 boxes = 10 metres): 1 boxes = 5' Feet



REFUSED

Williams

AUTHORIZED SIGNATURE

305305-21-D0341 Dec 31/21

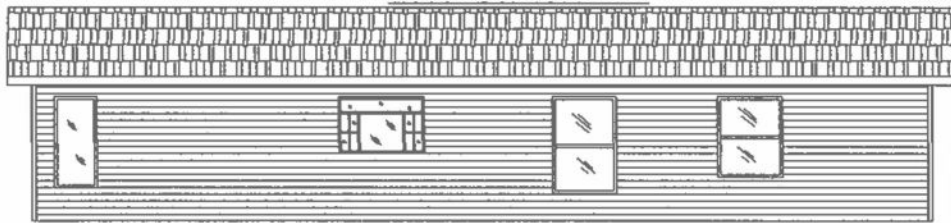
DATE _____



Parcel Coverage - 22.3%



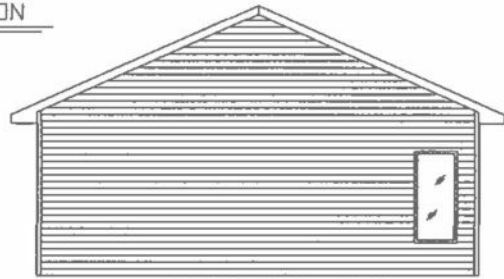
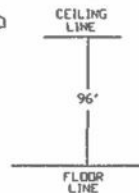
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



STURGEON COUNTY

REFUSED

C. Williams

AUTHORIZED SIGNATURE

305305-21-D0341

Dec 31/21 DATE

3B 2BA

FRIENDSHIP HOMES

815 BUDD ROAD, MONTEVIDEO, MINNESOTA, USA 56265

Scale: NTS

Date: 3/5/20

Name: *BJA*

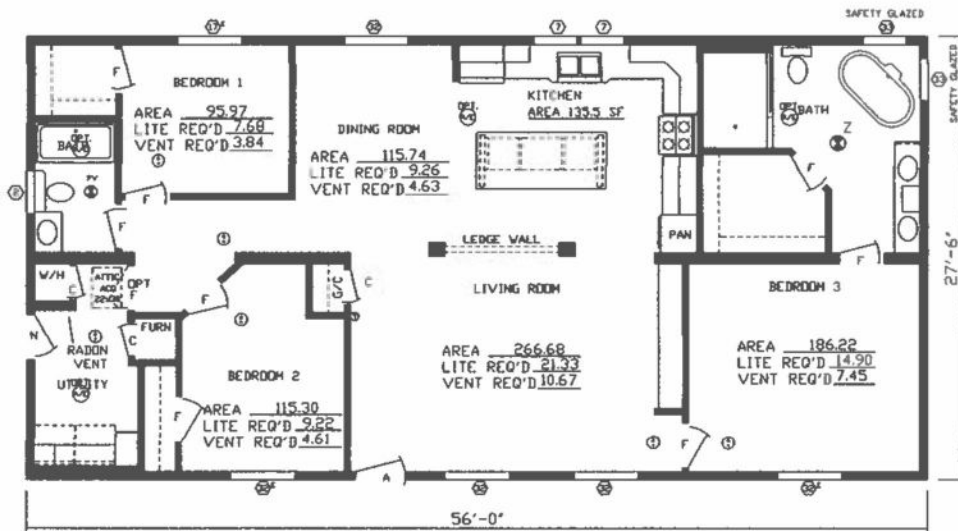
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Proprietary
& Confidential

MODEL NUMBER:

142077KZEZ

ELEVATIONS



STURGEON COUNTY
REFUSED
Williams
 305305-21-D0341
 Dec 31/21 DATE

NIA 3/5/2020
 Reviewed to the Canadian standards.
 NIA is a subsidiary of the International Code Council.

NOTES:
 -WALL HEIGHT 8'-0"
 -INTERIOR WALL THICKNESS 3 1/2" OR 4 1/2"
 -EXTERIOR WALL THICKNESS 6 1/2"
 -WINDOWS/DOORS MAY BE ADDED OR RELOCATED
 IN THE ROOM OR CAN BE SUBSTITUTED WITH
 ALTERNATE WINDOW/S AND/OR DOOR/S BUT
 MUST SATISFY MINIMUM LIGHT, VENT, SAFETY
 GLASS AND EGRESS REQUIREMENTS

NOTICE:
 THIS FLOOR PLAN AND ALL OF THE SUPPORTING
 INFORMATION SUCH AS FOUNDATION, ELECTRICAL,
 PLUMBING, MECHANICAL, ETC. MAY BE BUILT AS A
 MIRROR IMAGE OF WHAT IS SHOWN (REVERSED)

NOTE:
 REFERENCE WINDOW
 AND DOOR SCHEDULE
 FOR ALL WINDOW AND
 DOOR SPECIFICATIONS

④ SMOKE/CO ALARM

3B 2BA		
FRIENDSHIP HOMES		
815 BUDD ROAD, MONTEVIDEO, MINNESOTA, USA 56265		
Scale: NTS	Date: 3/4/20	Name: BJA
THIS DOCUMENT IS THE SOLE PROPERTY OF FRIENDSHIP HOMES, INC. UNAUTHORIZED USE, REPRODUCTION, OR DISSEMINATION OF INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION, TRADE SECRETS, AND PROPRIETARY INFORMATION AND ANY UNAUTHORIZED USE OR POSSESSION OF THIS DOCUMENT WILL VIOLATE PROSECUTION.		Proprietary & Confidential
FLOOR PLAN		MODEL NUMBER: 142077KZEZ



Planning and Development

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

For Office Use	
Permit Number:	305305-21-D0341
Date Received:	Dec 10/21
Received By:	CW & SG

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

Name of Applicant:
Phyllis Bates

Complete if different from Applicant

Name of Registered Land Owner:

Mailing Address:

City:

Postal Code:

PH:

Email Address:

LAND INFORMATION

Severed in line with Section 17 of the FOIP Act

Legal Description of Property All/Part NE 1/4 Section 5 Twp. 55 Rge. 23 West of the 4 Meridian

OR Lot 1 Block 1 Plan No. 1 Hamlet or Subdivision

Parcel Size: 0.23 Rural Address: 55020 RR 234A

DEVELOPMENT INFORMATION - Please Mark (X) ALL that Apply

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Accessory Building | <input type="checkbox"/> Kennel |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Addition | <input type="checkbox"/> RV Storage |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Attached Garage | <input type="checkbox"/> Single Family Dwelling |
| <input type="checkbox"/> Institutional | <input type="checkbox"/> Site Grading | <input type="checkbox"/> Secondary Dwelling |
| | <input type="checkbox"/> Deck | <input type="checkbox"/> Dugout |
| | <input type="checkbox"/> Other <u>Septic / Cistern</u> | |

Brief Description:

Replace
Basement
House

Variance to front yard

Development Details:

Size: 1568 Height: _____

Start Date: _____ End Date: _____

Estimated Project Value
(cost of material & labour)

APPLICANT AUTHORIZATION

Severed in line with Section 17 of the FOIP Act

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County.
I/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) Dec 8/21 Date

Signature of Landowner Dec 8/21 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

FOR OFFICE USE ONLY

Permitted Use ☒ Discretionary Use ☐

Fee\$ 200.00 Penalty\$ 100.00 Receipt# 202108105 Tax Roll# 991000 District AG

Payment Method: Cash / Cheque / Debit VISA / Mastercard

M/C or Visa Number: _____ Expiry Date: _____

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



Current 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: 305305-21-D0341
Date Received: Dec 10/21
Received By: CW & SG

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.

Frontage needs to be relaxed by 7.4'. And
Zoned as residential not Agriculture.

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 county will not let me rebuild my house that
burnt down Dec 15, 2019. I was informed my little
100' x 100' was rezoned agriculture. I have owned this
since 2015 all taxes state residential. I was never notified.

MITIGATION

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

County will not let me rebuild on same foot print.
A trailer is too long, so went with modular, 56' x 28'.
Need to reduce frontage variance by 7.4 ft.

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

There is no impact on adjacent owners!
There is commercial property on all sides of my
property. This property was C/D residents and workshop since
the early 1900's

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

Dec 9/21

Signature of Landowner

Date

Dec 9/21

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 \$ 100.00

Receipt # 202108105

Paid by: Cash / Cheque / Debit / VISA / Mastercard

M/C or Visa Number

Expiry Date

Name (as it appears on card)

Authorized Signature

FOR OFFICE USE ONLY

Land Use Bylaw Section	Requested Variance	Variance Percentage
11.1.4 Setbacks	19.8m	56.6%
11.1.4 Parcel Coverage 15%	No Variance Permitted	22.3%

Land Use District AGRoll# 991000

Approving Authority as per Section 2.8.6 of the Land Use Bylaw

☐ Development Officer☐ Municipal Planning Commission**Notes**

APPLICATION FEES ARE NON-REFUNDABLE

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

PLANNING AND DEVELOPMENT SERVICES REPORT

Prepared For: Subdivision & Development Appeal Board
Prepared By: Planning & Development
Hearing Date: February 1st, 2022, via teleconference



FILE INFORMATION:	
Subdivision & Dev. Appeal Board File:	022-STU-001
Development Permit File:	305305-21-D0341
Legal Land Description of Property:	NE 5-55-23-W4
Relative Location:	55020 RR 234A (north of HWY 37)
Appellant:	Bates, Phyllis
Landowner:	Bates, Phyllis
Description of Appeal:	Appealing the Decision of the Development Authority, Refusal to Construct Single Detached Dwelling
Land Use Bylaw District:	AG – Agriculture (Residential)
Tax Roll Number:	991000

PART I – BACKGROUND:

1. On December 31, 2021, the Development Officer refused an application for a proposed Single Detached Dwelling on the subject parcel.
2. The original dwelling burned down on December 15, 2019. The applicant provided a site plan revealing a proposed new single detached dwelling and an existing detached garage.
3. The proposed dwelling is a modular home 145.7m² (1568ft²) in floor area.
4. The site plan indicates the landowner plans to service the property with a cistern and septic tank.

PART II – PROPERTY INFORMATION:

1. The parcel is 0.23acres (900m²) in area which is substantially smaller than a typical AG residential parcel. It is unclear from our records as to how the parcel came to be. It appears the lands were originally owned by CN Rail, named Duagh Station Grounds. The applicant indicated the subject property had a residence for CN workers and a workshop since the early 1900's. It should be noted that CN has subdivided lands without requiring municipal approvals.
2. Assessment has record of a one-storey structure built in 1935 assumed to be the existing accessory building.
3. A search of the land file confirmed a development (building) permit application was received on Oct 24, 1978, to construct a new dwelling. Bylaw No. 100-69 was in effect at that time and the setback requirement for structures was 150 feet from the road. The application was refused for the following reasons:
 - a. *Setback requirements less than required 150ft and*
 - b. *Inadequate area to provide on-site services after addition constructed due to increased site coverage.*

A dwelling was constructed however no record of an appeal could be located.

PART III – RELEVANT POLICY/LEGISLATION:

Land Use Bylaw 1385/17

SECTION 11.1.4 AG DISTRICT - DEVELOPMENT REGULATIONS

Front yard and flanking front yard setbacks	Principal building	35m (114.8ft)
	<i>Accessory building or accessory, agricultural building</i>	20m (65.6ft)
Side yard and rear yard setbacks	Principal building	6m (19.7ft)
	<i>Accessory building or accessory, agricultural building</i>	3m (9.8ft)

Additional Development Regulations for AG-Residential parcels

Maximum floor area	<i>Accessory building</i>	230m ² (2,475.7ft ²)
Maximum parcel coverage	15%	

SECTION 5.15 PARCEL COVERAGE

1. Parcel coverage shall be calculated as a percentage by dividing the total amount of building footprint on a parcel by the total parcel area.

SECTION 2.8 DECISION PROCESS

1. 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:
 - a) except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing *dwelling unit density* or *parcel coverage*;
 - b) 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
 - c) 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*.
2. A variance request shall include justification as to why the regulation cannot be adhered to.
3. The Development Authority may issue a variance in accordance with Table 2.1:

Variances

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

PART IV – ANALYSIS:

1. The replacement dwelling is proposed to be located 15.2m from the front property line. The minimum front yard setback for a dwelling is 35m. A variance of 19.8m or 56.6% was requested.
2. The maximum variance that can be granted by the Development Authority is 50% and therefore the requested front yard variance had to be refused.
3. The parcel is 30m wide by 30m deep and it is unachievable to meet the minimum front yard setback of 35m.
4. The existing detached garage is approximately 2m from the front property line and due to its age, is considered legally non-conforming.
5. The dwelling that burned down was located approximately 8.5m from the front property line and the new dwelling is proposed to be setback to a more suitable setback of 15.2m.
6. The proposed dwelling meets all other setback requirements.
7. The maximum parcel coverage on an AG – Residential parcel is 15% which is calculated by dividing the total amount of building footprint on a parcel by the total parcel area. The Parcel Coverage was calculated at 22.3%
8. Section 2.8.4 states there shall be no variance from the regulations prescribing parcel coverage.
4. There is no minimum parcel size for an AG parcel. An AG parcel is typically 2.47acres in area to accommodate for private sewage. The subject parcel is smaller in area than most Un-serviced Hamlet (R3) and Country Residential Estate (R2) parcels within the County. The smallest R2 parcel in the Sturgeon Valley area is 0.23acres. The maximum parcel coverage for R3 and R2 lots is 35%. Therefore, the maximum parcel coverage for the subject lot should be higher than 15% given its size.
9. The applicant has indicated the parcel is to be serviced with a cistern and septic tank in accordance with the Alberta Private Sewage Systems Standards.

PART V – CONCLUSIONS:

1. The application had to be refused by the Development Authority as per sections 11.1.4, 5.15.1, and 2.8.6 of Land Use Bylaw 1385/17.
2. However, a single detached dwelling is a permitted use on an AG parcel. The size of the parcel is causing development constraints with respect to the front yard setback and parcel coverage. The applicant has no choice but to request relaxation of the regulations. Given the development limitations, the Development Authority would have approved the dwelling if the Bylaw would have allowed.

If the Board chooses to approve the development permit to allow construction of the proposed single detached dwelling, a list of potential conditions to be considered by the Board are as follows:

1. The single detached dwelling (modular home) is to be placed in accordance with the approved site plan.
2. 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.
3. Separate electrical, gas, plumbing and private sewage disposal permits shall be obtained as required.
4. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. If drainage of a development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.
5. If the development authorized by a permit is not commenced within 12 months from the date of its issuance, or is not carried out with reasonable diligence, the development permit approval ceases and the development permit is deemed to be void, unless an extension to this period has been previously granted by the Development Authority.
6. No person shall keep or allow 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 needed during the construction stage shall have all necessary safety measures undertaken and the owner of such materials or excavation assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

Advisory Notes

1. 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
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 developer to ensure that the applicant/landowner complies with any federal or provincial laws/legislation and that any required permits are obtained. All development will comply and be consistent with any license, permit, approval, authorization, regulation, or directive established by the Alberta Energy Regulator and Alberta Environment. The applicant/landowner must also comply with the conditions of any easement of covenant which affects the development.



Prepared by:

Carla Williams, Development Officer

Tyler McNab Digitally signed by Tyler McNab
Date: 2022.01.18 10:55:58
-07'00'

Reviewed by:

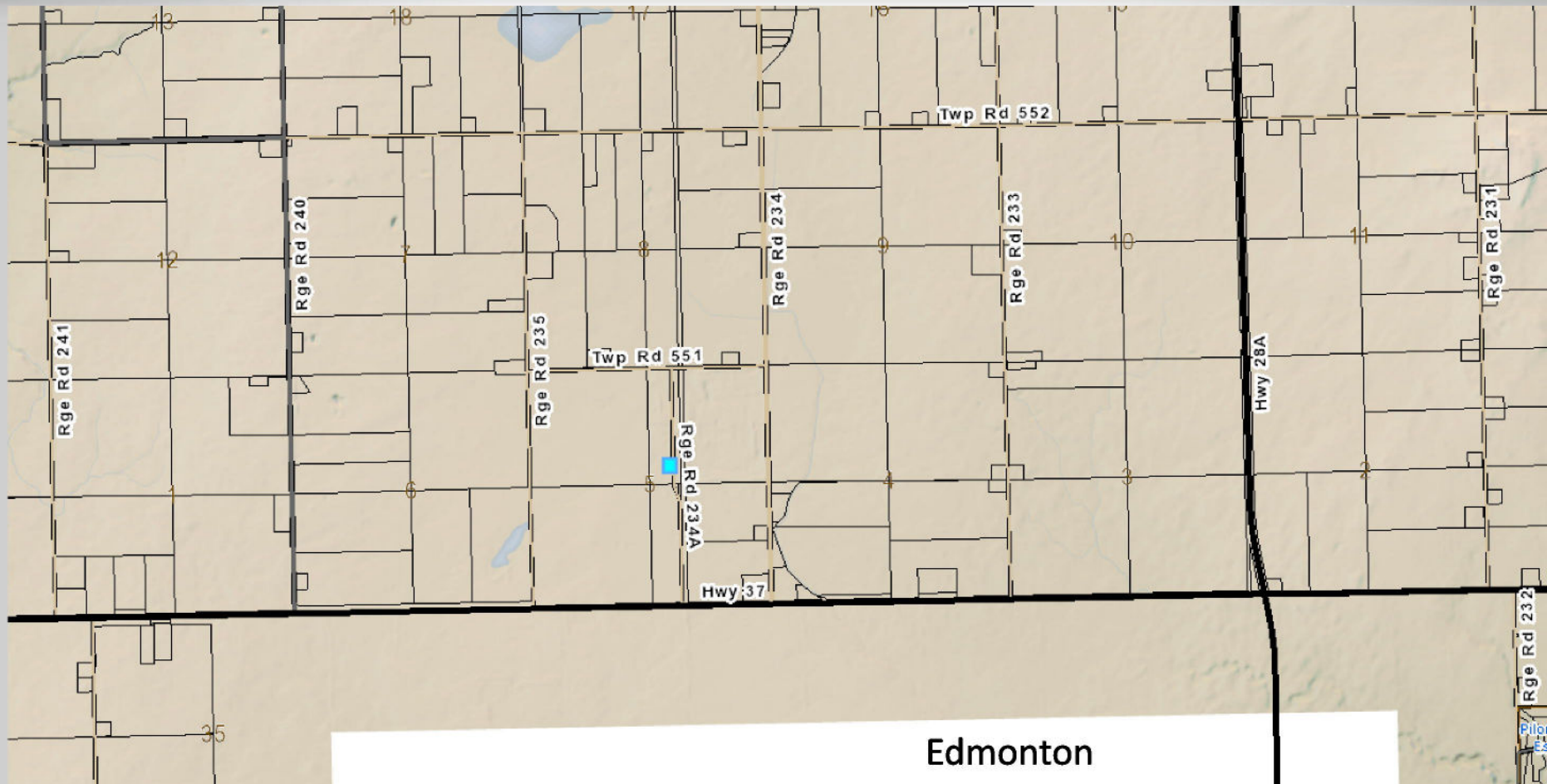
Tyler McNab, *Program Lead Development & Safety Codes*



Subdivision & Development Appeal Board

Hearing Date: February 1st, 2022
Regarding: SDAB File No. 022-STU-001
Presented by: Carla Williams, Development Officer

Site Location (Local Context)

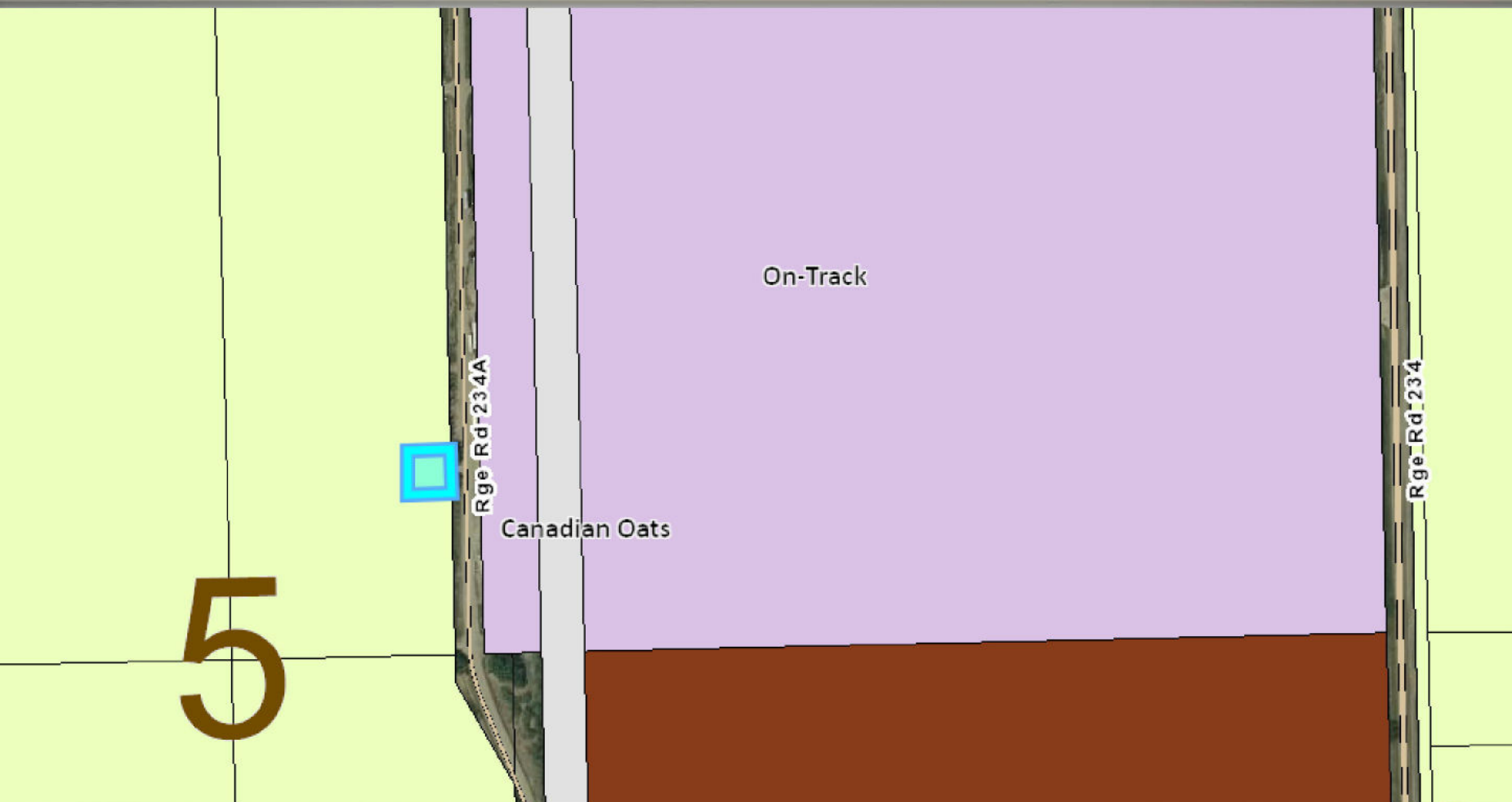


Edmonton

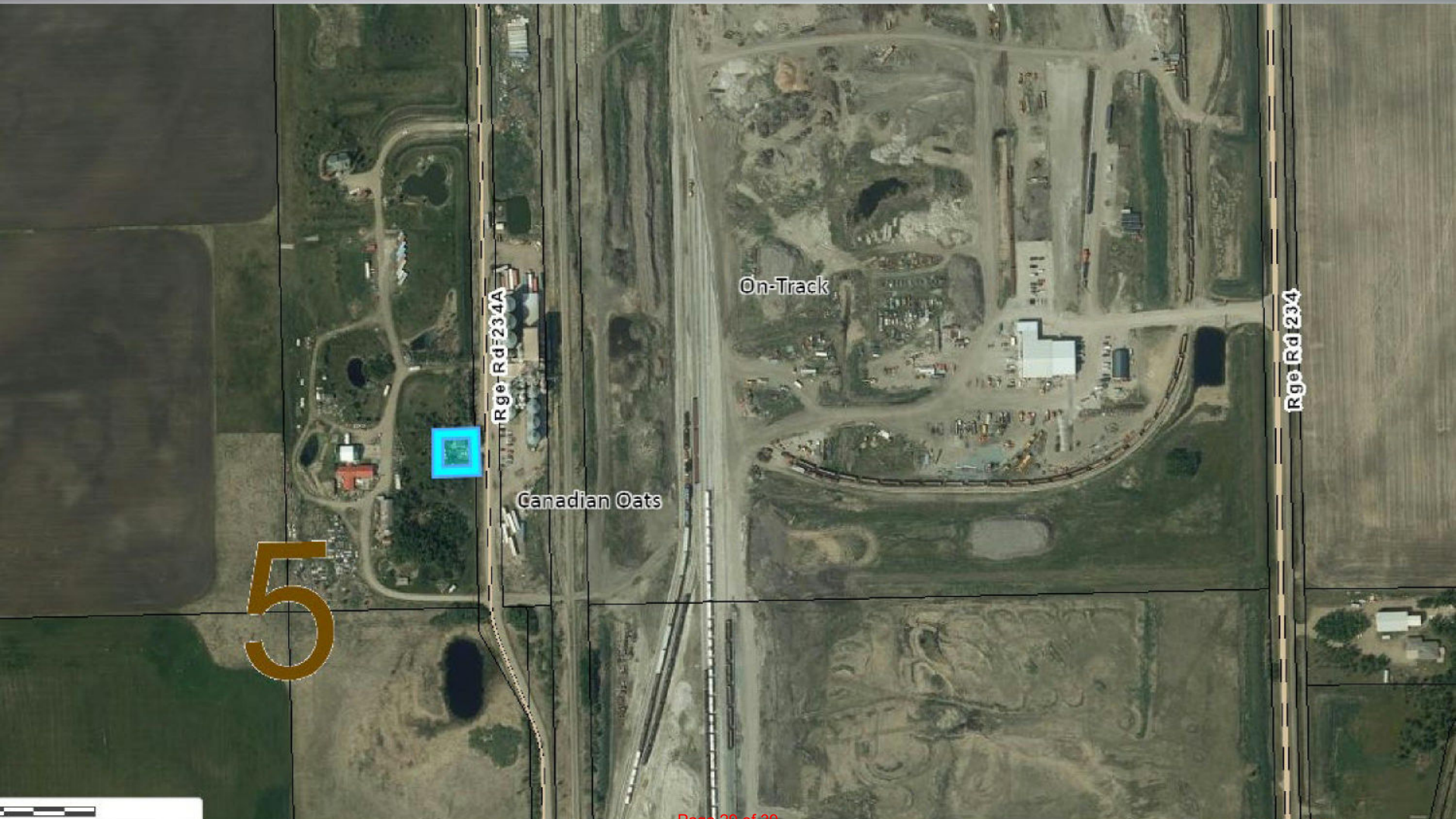
North of HWY 37 – West of HWY 28A

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Site Location (Immediate Context)



Site Location (Immediate Context)



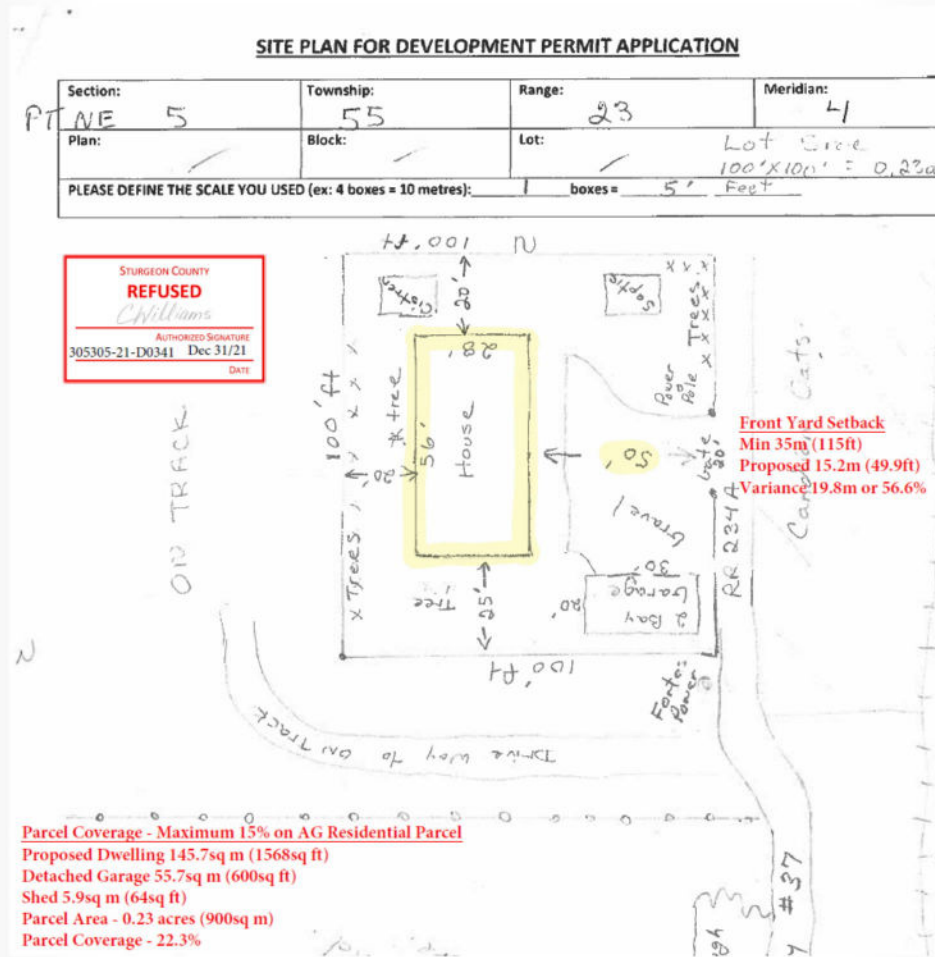
Site Location (Immediate Context)



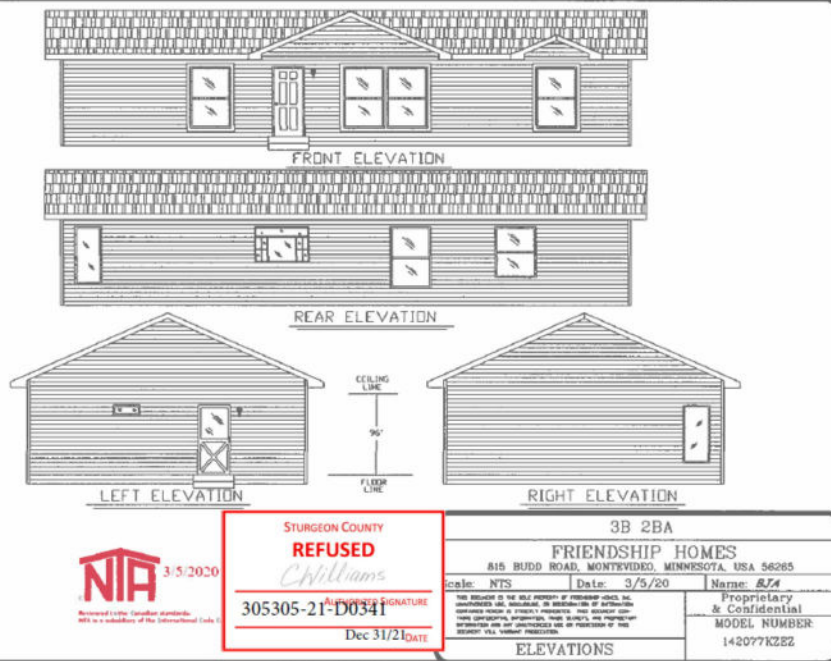
30m x 30m AG Residential Parcel

I. Background

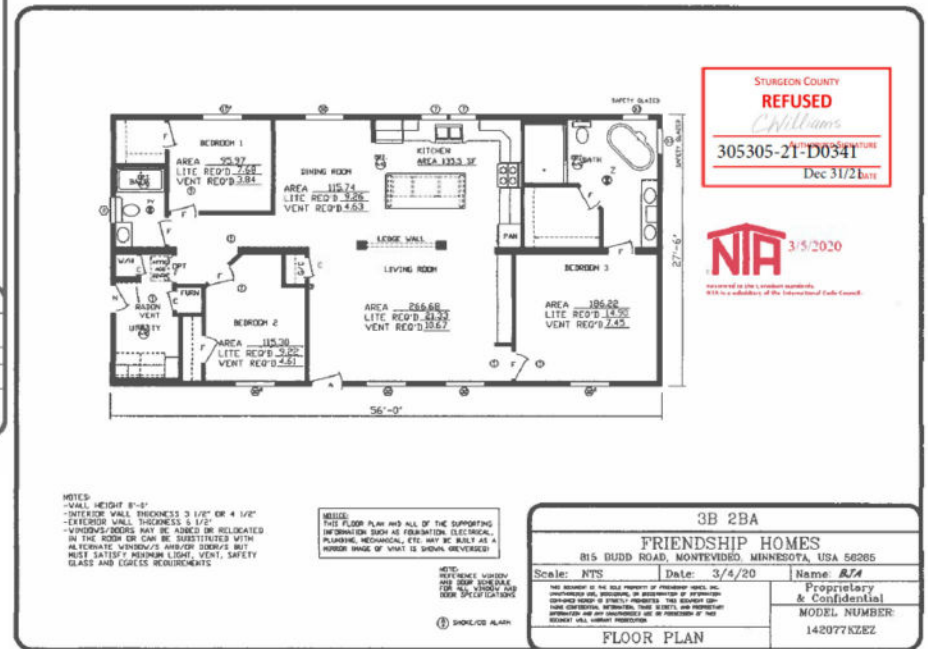
Site Plan



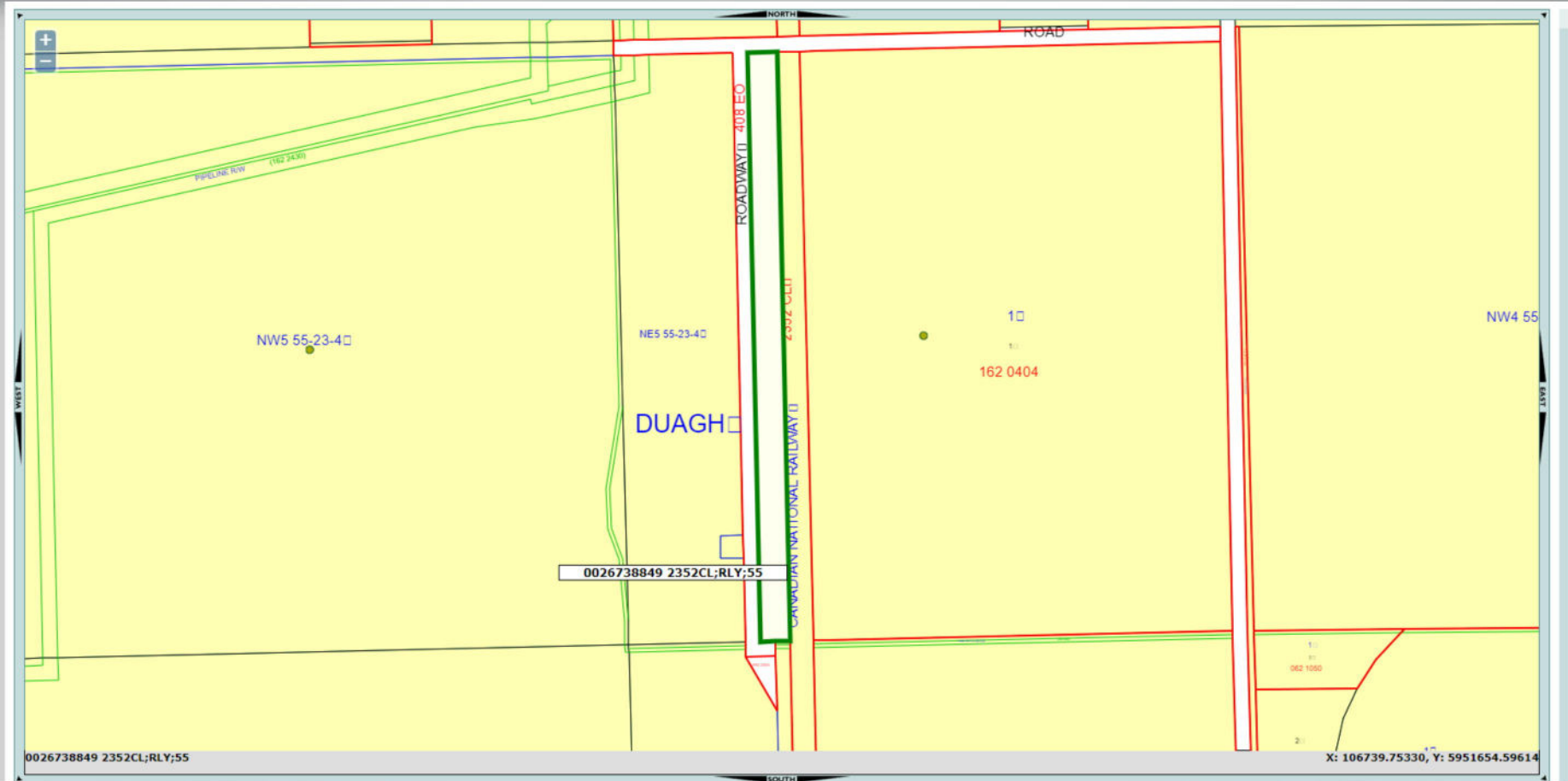
I. Background



Modular home no basement – 1568ft²



II. Property Info



III. Summary of Relevant Regulation

Land Use Bylaw 1385/17

SECTION 11.1.4 AG DISTRICT - DEVELOPMENT REGULATIONS

<i>Front yard and flanking front yard setbacks</i>	<i>Principal building</i>	35m (114.8ft)
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Additional Development Regulations for AG-Residential parcels

<i>Maximum floor area</i>	<i>Accessory building</i>	230m² (2,475.7ft²)
<i>Maximum parcel coverage</i>	15%	


III. Summary of Relevant Regulation

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

Front Yard Setback
Min 35m (115ft)
Proposed 15.2m (49.9ft)
Variance 19.8m (56.6%)

III. Summary of Relevant Regulation

**No Variance
For Parcel Coverage**



Parcel Coverage Calculator

Parcel Area:	0.23	(Acres)
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	Description of Structure(s)	Floor Area (Sq. Ft.)
Structure #1	Proposed Dwelling	1,568
Structure #2	Existing Detached Garage	600
Structure #3	Garden Shed	64
Structure #4		
Structure #5		
Structure #6		
Structure #7		
Structure #8		
Structure #9		
Total Sq. Ft.		2,232
Conversion to Acres:		0.05
Actual Parcel Coverage: 22.3%		

Land Use Bylaw Maximum Parcel Coverage: **15%**

Maximum Parcel Coverage Allowed:
0.03
1,503

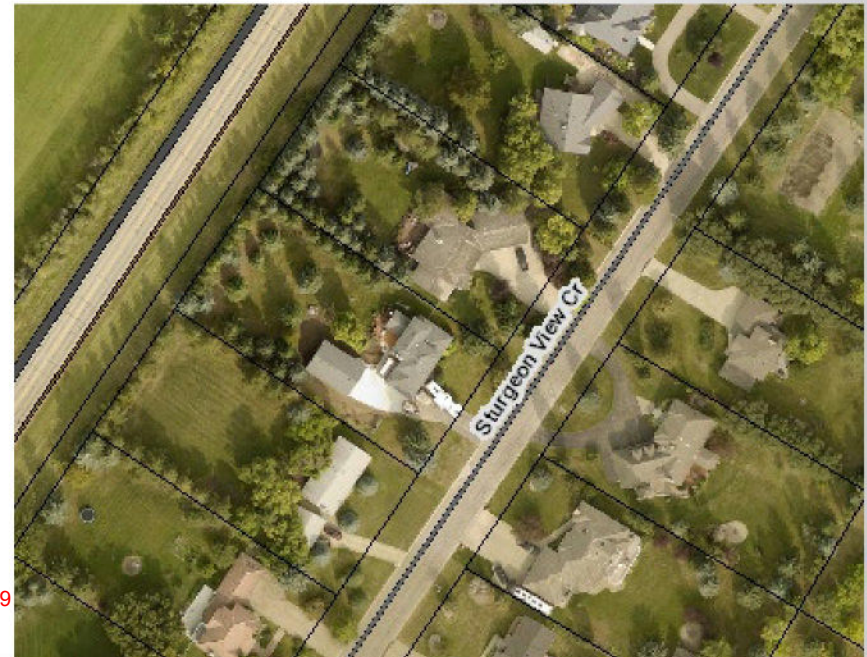
(Acres)
 (Sq. Ft.)

IV. Analysis



AG Residential Parcel (30m x 30m) 0.23ac
Front Yard MIN 35m
Parcel Coverage MAX 15%

Country Residential Parcel 0.75 ac
Parcel Coverage MAX 35%



APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

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

ADJACENT LANDOWNER WRITTEN RESPONSES

***NOTE:**

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