

**JULY 19, 2022**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**HEARING AGENDA**  
**COUNCIL CHAMBERS AND VIDEOCONFERENCE**  
**2:00 p.m.**

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

**2. SCHEDULE OF HEARINGS:**

2.1 Appellant: James and Laura Betz                      022-STU-010                      Development Appeal

2.2 Appellant: Craig Kalenchuk                              022-STU-011                      Development Appeal

**3. ADJOURNMENT**

# Appeal #1

022-STU-010 -Appealing the Development  
Authority's issuance of a permit to  
construct a Garage Suite with a Height  
Variance



**E-MAILED**  
*Stine + Lisa*  
**NOTICE OF APPEAL**

**SUBDIVISION & DEVELOPMENT APPEAL BOARD**

<b>Site Information:</b>	
Municipal Address of site:	
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter)	
Development Permit number or Subdivision Application number:	

<b>Appellant Information:</b>		Severed in line with Section 17 of the FOIP Act	
Name:	Phone:	Agent Name: (if applicable)	
<i>JAMES/LAURA BETZ</i>			
Mailing Address:	City, Province:		
<i>21-23516 TWP RD 560</i>			
Postal Code:	Email:		

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

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

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

*WE FEEL IF ANOTHER SUITE/HOUSE IS BUILT ON LOT IT MAKES LARGE LOT ACREGE LIVING DISAPPEAR. IF WANT INLAW SUITE CAN BUILT ONTO EXSITING HOUSE. WE DO NOT ~~ARE~~ MIND IF A SHOP OR LARGE BUILT SEPERATE BUT NOT LIVING QUATERS*

(Attach a separate page if required)

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

<b>Signature of Appellant/</b>	<b>Date:</b>
	<i>16-06-2022</i>
<b>SDAB Appeal Number:</b>	<b>Appeal Fees Paid:</b>
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Hearing Date:</b>
	YYYY/MM/DD

## APPEAL SUBMISSION INFORMATION

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

## FILING INFORMATION

### MAIL OR DELIVER TO:

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

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

## APPEAL PROCESS

### Who can appeal?

#### Subdivision appeals:

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

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

#### Development appeals:

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

#### For further information:

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

Phone: 780.939.4321

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

HEWITT ESTATES HAS NICE LARGE DESIRABLE  
LOTS - NOT OVER CROWDED AND CLOSE HOUSING.

IN THE PAST 2ND DWELLINGS HAVE BEEN DISALLOWED  
AND THIS SHOULD ~~BE~~ ALSO BE DISALLOWED. WE DO  
NOT WANT TO SET A PRECEDENCE WHERE SECOND DWELLINGS  
ARE ALLOWED. NEXT WILL BE DIVIDING LOTS. IF  
PEOPLE WANT TO BE THAT CLOSE MOVE TO AN ~~AREA~~  
TOWN, VILLAGE, CITY.



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

BETZ, JAMES & LAURA  
 21-23516 TWP RD 560

Receipt Number: 202203811  
 GST Number: 107747412RT0001  
 Date: 2022-06-20  
 Initials: CS

Severed in line with Section 17 of the FOIP Act

Account	Description	Prev Bal	Payment	Balance
16APP	APPEAL FEES - LEGISLATIVE SE		\$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	

June 27, 2022

SDAB File Number: 022-STU-010

Dear James & Laura Betz:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property: 7720113; 4; 7 Hewitt Estates  
Decision Regarding Proposed Development: To construct a Garage Suite with a Height Variance

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Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on June 20, 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 **July 19, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 204 271 643#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than July 14, 2022.

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

Should you require further information, call 780-939-8279 or email [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

Lisa Schovanek  
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.*

June 27, 2022

SDAB File Number: 022-STU-010

Dear Ms. Steele:

An appeal has been received regarding your application to construct a garage suite with a height variance.

**NOTICE OF  
APPEAL BOARD HEARING**

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

Legal Description of Subject Property: 7220113; 4; 7 Hewitt Estates

Decision Regarding Proposed Development: To construct a Garage Suite with a Height Variance.

**Appellants: James & Laura Betz**

**Applicant: Stefanie Steele**

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

- If another suite/house is built on the lot, it will make large lot acreage living disappear;
- In the past, second dwellings have not been allowed;
- There should not be a precedent set where second dwellings are allowed.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 19, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 204 271 643#. This should connect you directly into the hearing.

**Why am I receiving this information?**

When an appeal is received, the Applicant and adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date and must include your current email address. Therefore, written submissions are due to be submitted no later than July 14, 2022.



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June 27, 2022

SDAB File Number: 022-STU-010

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: 7220113; 4; 7 Hewitt Estates

Decision Regarding Proposed Development: To construct a Garage Suite with a Height Variance.

**Appellant: James & Laura Betz**

**Applicant: Stefanie Steele**

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

- If another suite/house is built on the lot, it will make large lot acreage living disappear;
- In the past, second dwellings have not been allowed;
- There should not be a precedent set where second dwellings are allowed.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 19, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 204 271 643#. This should connect you directly into the hearing.

**Why am I receiving this information?**

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date and must include your current email address. Therefore, written submissions are due to be submitted no later than July 14, 2022.

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# Notification Map 305305-22-D0158

Map Subtitle

10-Jun-2022



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

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

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

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

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

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

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

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

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

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

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



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

## Development Permit Approval Notification

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Jun 10, 2022

Development Permit No. **305305-22-D0158**

Property Owner,

Please be advised the Development Officer has approved a development permit **Accessory Dwelling Unit - to construct a Garage Suite with a Height Variance** to be located on Lot 7, Block 4, Plan 7720113; 22-23516 Twp Rd 560; in Hewitt Estates. Please refer to the enclosed development permit and site plan for further details.

### Why am I receiving the information?

When a development permit is approved as a discretionary use or a variance was granted, Section 2.10.2 of Land Use Bylaw 1385/17 requires adjacent landowners to be notified, should they want to exercise their right to appeal.

### Appeal

As an adjacent landowner, you may file an appeal objecting the development or a condition of the approved development permit. Should you wish to file an appeal, you can find the Appeal Board information at the bottom of the permit. Appeals must be received by the correct Appeal Board by **Jul 1, 2022**.

### Additional Information

If you have any questions or require further clarification regarding this development approval or an appeal, please contact the undersigned at (780) 939-8275.

Regards,

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

Carla Williams  
Development Officer

**Development Permit**

**Land Use Bylaw 1385/17**

Permit No.:	305305-22-D0158
Tax Roll No.:	1161060
Decision Date:	Jun 10, 2022
Effective Date:	Jul 1, 2022

Severed in line with Section 17 of the FOIP Act

**Applicant**

Name: Steele, Stefanie  
Address:

**Owner**

Name: Steele, Stefanie  
Address:

Phone:  
Cell:  
Email:

Phone:  
Cell:  
Email:

**Property Description**

**Legal Land Description:** 7720113; 4; 7 Hewitt Estates  
**Land Use Description:** R1 - Country Residential District  
**Rural Address:** 22-23516 Twp Rd 560

**Description of Work**

Accessory Dwelling Unit - to construct a Garage Suite with a Height Variance

**Fees**

Discretionary Use / Variance Request \$310.00

**Permit Conditions**

- Prior to any construction occurring on site, a separate building permit shall be obtained and approved. Minimum construction standards will conform to the requirements of the current Alberta Building Code.
- Separate electrical, gas, plumbing and private sewage disposal permits shall be obtained as required.
- Pursuant to section 12.1.4 the maximum height for an accessory building is 8m (26.2ft).**  
**Proposed height – 8.5m (28ft)**  
**Variance requested – 0.5m (1.6ft) or 5.9%**  
**Variance granted as per section 2.8.6 which states the Development Officer may grant a variance up to 19.9% in the R1 district.**
- The accessory dwelling unit developed as a garage suite shall meet the setbacks for an accessory building of the R1 district as follows:

Front yard	12m(39.4ft)
Side yard	3m (9.8ft)
Rear yard	3m (9.8ft)
- The maximum parcel coverage shall not exceed 35%.
- The minimum distance between an accessory dwelling unit and the principal dwelling shall be 4.8m (15.7ft).
- A maximum of one accessory dwelling unit shall be considered per principal dwelling and shall be subordinate to the principal dwelling.
- The maximum floor area of an accessory dwelling unit shall not exceed 115m<sup>2</sup> (1,237ft<sup>2</sup>).
- The accessory dwelling unit shall be constructed on a permanent foundation.
- The accessory dwelling unit shall not be separated from the principal dwelling by condominium conversion or subdivision.



11. Vehicle access to the accessory dwelling unit shall utilize the existing approach.
12. The accessory dwelling unit shall have an entrance separate from any vehicle entrance and be either from a common indoor landing or directly from the exterior of the structure.
13. The accessory dwelling unit shall be designed and finished to match or compliment the exterior finish of the principal dwelling.
14. An accessory dwelling unit should connect to the municipal water and sanitary services where available.
15. Two on-site parking stalls shall be provided for an accessory dwelling unit over 80m<sup>2</sup> in floor area.
16. 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.
17. 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.
18. 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.
19. No person shall keep or permit in any district any object or chattel which, in the opinion of the Development Approving Authority, is unsightly or tends to adversely affect the amenities of the district. Any excavation, storage or piling up of materials required during the construction stage shall have all necessary safety measures undertaken and the owner of such materials or excavation assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

#### Advisory Notes

1. 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. An Accessory Dwelling Unit means a self-contained dwelling unit, that is located either within or on the same titled parcel, and accessory to a principal dwelling and meets the Alberta Building Code. Accessory dwelling units include but are not limited to garden suites, garage suites, and secondary suites.
3. **The accessory dwelling unit shall be provided with a number designation in accordance with Sturgeon County's Municipal Address System.**
4. Where connection to municipal services is requested, the applicant is required to complete service applications prior to the connection request. Water and sewer lines are required to be inspected prior to being backfilled.
5. 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.
6. 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.

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

#### Issued By:



Carla Williams  
Development Officer

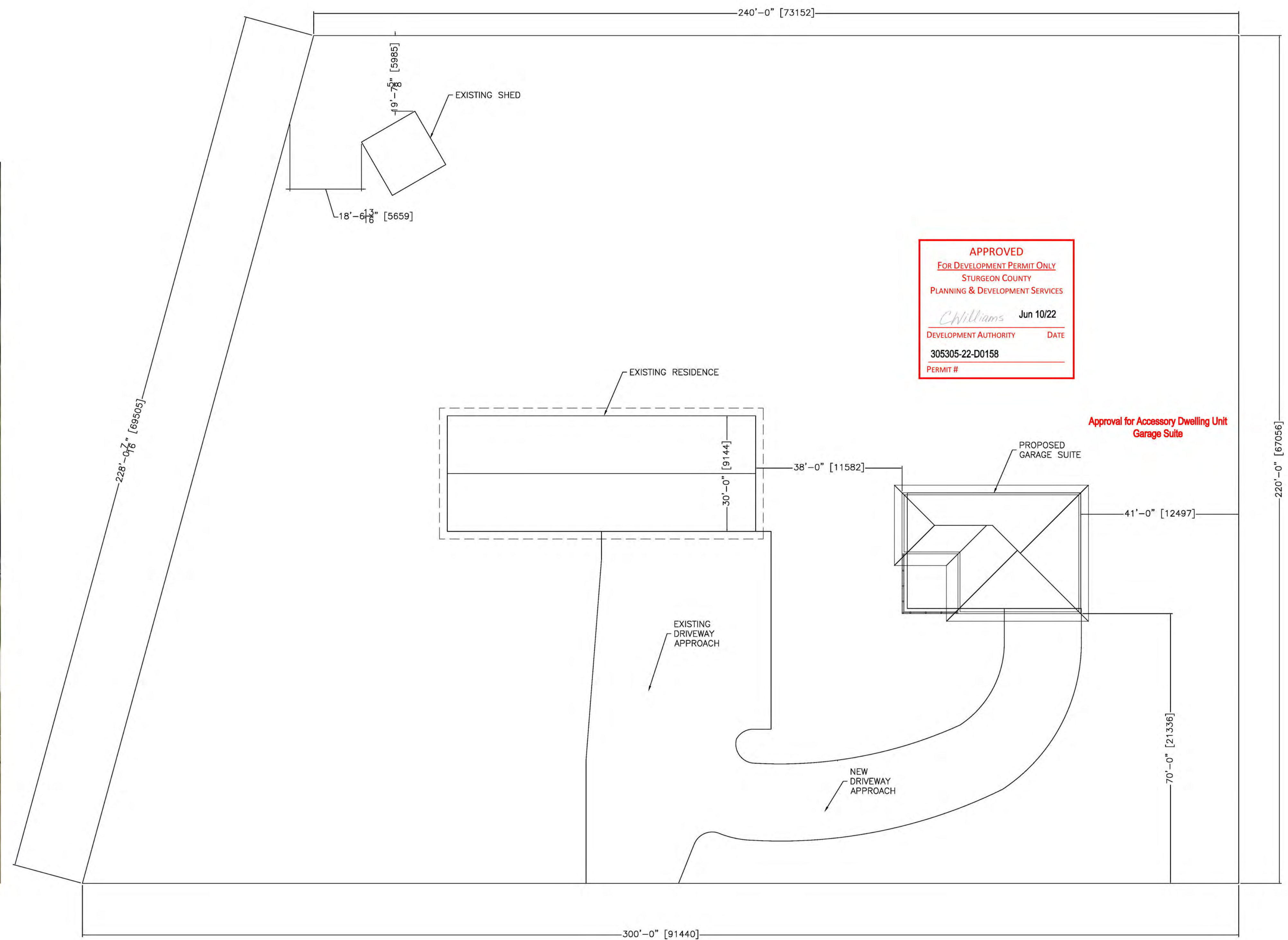
#### Municipality

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

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#### Appeal Information

Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. If you wish to appeal this decision, please file an appeal with the Secretary of the Subdivision and Development Appeal Board via email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made at 780-939-4321.



**APPROVED**  
 FOR DEVELOPMENT PERMIT ONLY  
 STURGEON COUNTY  
 PLANNING & DEVELOPMENT SERVICES  
*C. Williams* Jun 10/22  
 DEVELOPMENT AUTHORITY DATE  
 305305-22-D0158  
 PERMIT #

Approval for Accessory Dwelling Unit  
Garage Suite

**A** GOOGLE SATELLITE – SITE PLAN  
 SD SCALE: 1/16" = 1' - 0" RETRIEVED GIS MAPPING MAY 2022

**B** SITE PLAN  
 SD SCALE: 1/16" = 1' - 0" SURVEY PROVIDED BY CLIENT

CODE ANALYSIS

MAIN FLOOR INTERIOR LIVING SPACE:	1350 SQ.FT	(WORKSHOP: CLASSIFICATION F3)
2ND FLOOR INTERIOR LIVING SPACE:	1102 SQ.FT	(RESIDENTIAL: CLASSIFICATION C)
PATIO:	225 SQ.FT	
FIRE SEPARATION BETWEEN F3 & C 1HR RATING REQUIRED PER (3.1.3.1 NBC AE 2019)		

Severed in line with Section 17 of the FOIP Act

NO.	DESCRIPTION	DATE	CHANGE
1	ISSUED FOR REVIEW PERMIT (IFP)	05/28/2022	
2	DRAWINGS UPDATED		
3	RE-ISSUED FOR REVIEW	MM/DD/YY	
4	ADDED HOLDOWN ANCHOR	MM/DD/YY	
5	CHANGED RIM, BEAM, HANGER	MM/DD/YY	
6	PILE LAYOUT CHANGE, HANGER CHANGE	MM/DD/YY	
7		MM/DD/YY	

**COPYRIGHT/DISCLOSURE**  
 THIS DRAWING IS AN INSTRUMENT OF SERVICE FOR THE SUBJECT PROJECT. THE DRAWINGS IS AND REMAINS THE EXCLUSIVE PROPERTY OF KALKATIC AND SHALL NOT BE USED IN WHOLE OR IN PARTS WITHOUT KALKATIC'S CONSENT.

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND AND MEASUREMENTS SHOWN ON DRAWINGS AND SHALL REPORT DISCREPANCIES, ERRORS AND OMISSIONS TO THE ENGINEER FOR CLARIFICATION BEFORE PROCEEDING WITH ANY PORTION OF THE WORK IN THE CONTRACT. KALKATIC LIABILITY IS LIMITED TO COST OF ENGINEERING FEE CHARGED AT TIME OF PROJECT.

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

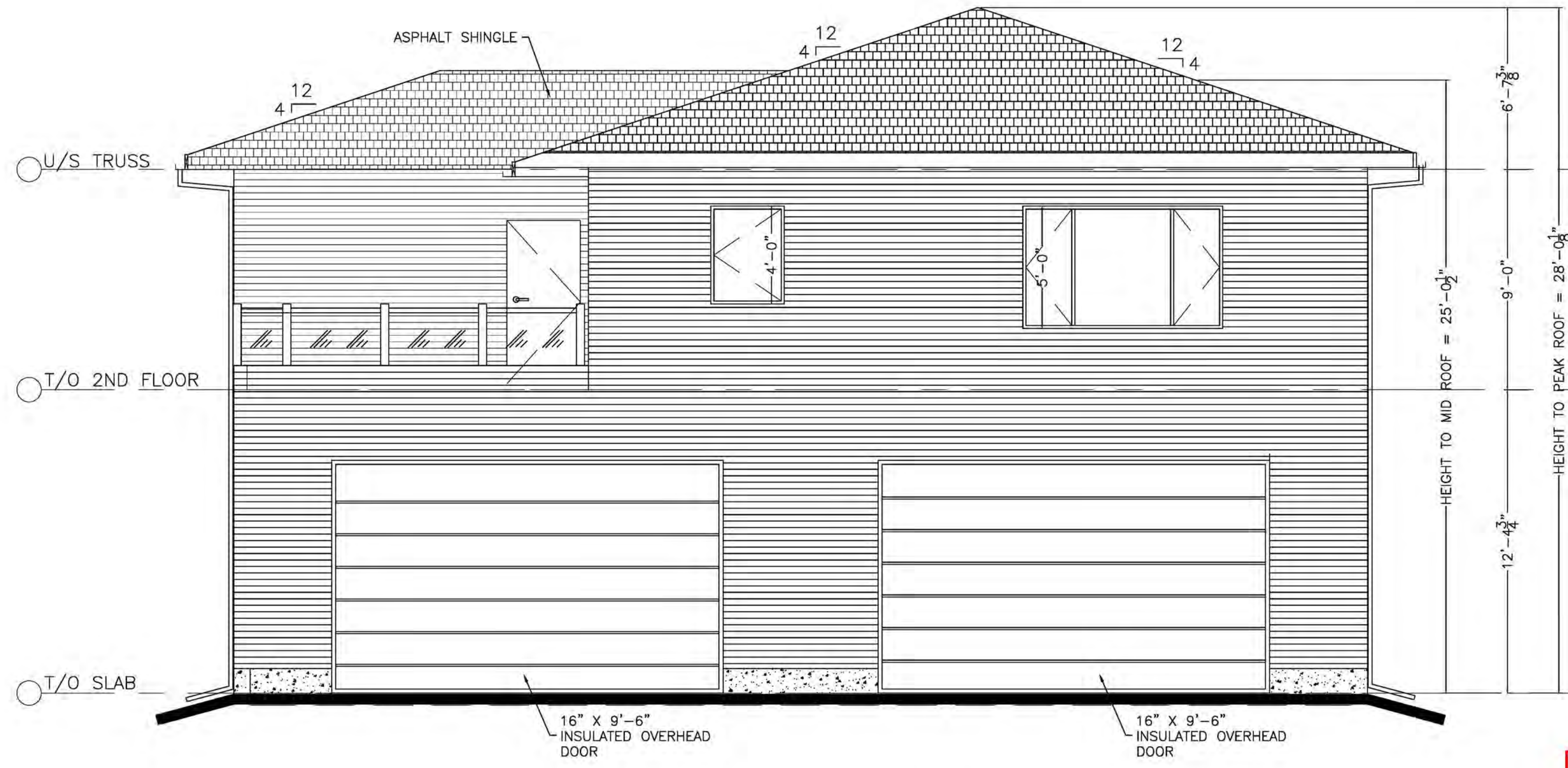
**DATE:**  
 MAY 28, 2022  
**DESIGNED BY:**  
 FH  
**DRAWN BY:**  
 FH  
**CHECKED BY:**  
 FH

**CLIENT**  
 MICHAEL BLOSSOM  
 22 - 23516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**PROJECT**  
 BLOSSOM RESIDENCE  
 22-23516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**STAMP**  
  
 PROFESSIONAL ENGINEER ALBERTA  
 FAROEN HABIBI  
 22827  
 MAY 28, 2022

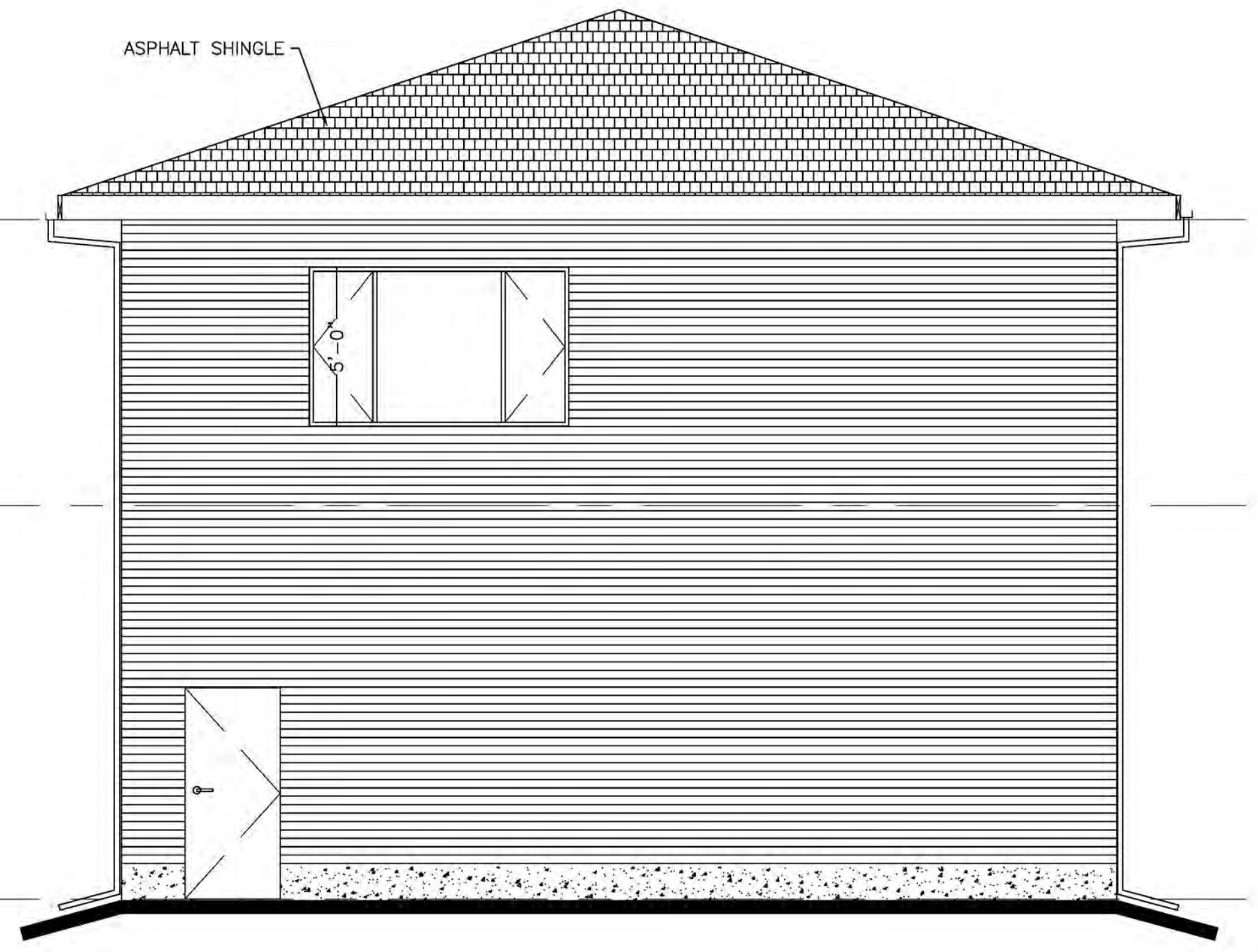
**DRAWING**  
 BUILDING SITE PLAN  
 PROJECT NO: 107 -2217 | SCALE: AS SHOWN | SHEET NO. SD OF 12  
 U.N.O ALL DIMENSIONS ARE IN FEET - INCHES



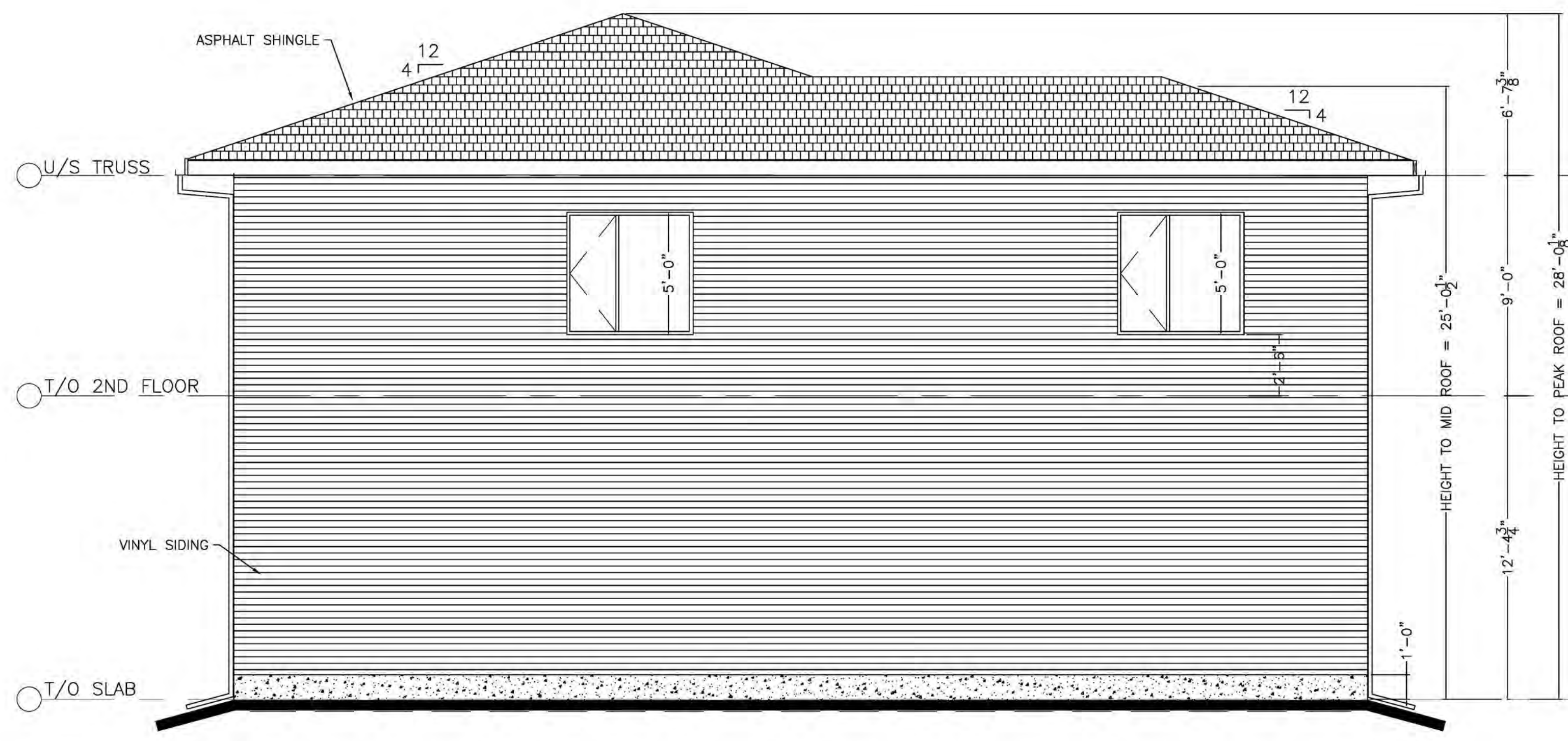
**A** FRONT ELEVATION VIEW  
 A5 SCALE: 1/4" = 1' - 0"

Height Variance  
 Max 8m (26.2ft)  
 Proposed 8.5m (28ft)  
 Variance - 0.5m (1.6ft) or 5.9%

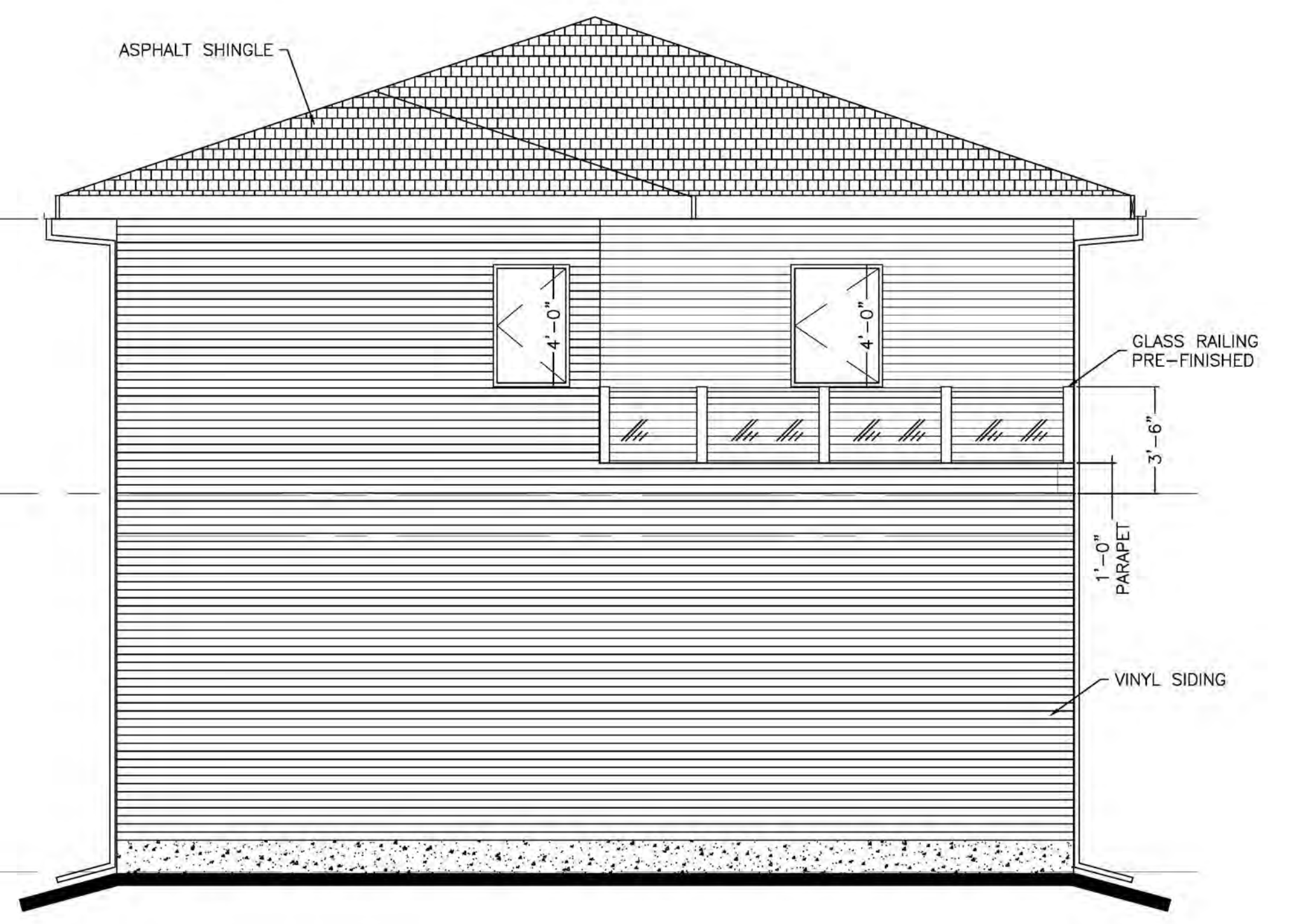
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 PLANNING & DEVELOPMENT SERVICES  
 C. Williams Jun 10/22  
 DEVELOPMENT AUTHORITY DATE  
 305305-22-D0158  
 PERMIT #



**C** RIGHT ELEVATION VIEW  
 A5 SCALE: 1/4" = 1' - 0"



**B** REAR ELEVATION VIEW  
 A5 SCALE: 1/4" = 1' - 0"



**D** LEFT ELEVATION VIEW  
 A5 SCALE: 1/4" = 1' - 0"

Severed in line with Section 17 of the FOIP Act

DRAWING ISSUANCE RECORD		
NO.	DESCRIPTION	DATE
1	ISSUED FOR REVIEW PERMIT (IFP)	05/28/2022
2	DRAWINGS UPDATED	
3	RE-ISSUED FOR REVIEW	MM/DD/YY
4	ADDED HOLDOWN ANCHOR	MM/DD/YY
5	CHANGED RIM, BEAM, HANGER	MM/DD/YY
6	PILE LAYOUT CHANGE, HANGER CHANGE	MM/DD/YY
7		MM/DD/YY

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

**DATE:** MAY 28, 2022  
**DESIGNED BY:** FH  
**DRAWN BY:** FH  
**CHECKED BY:** FH

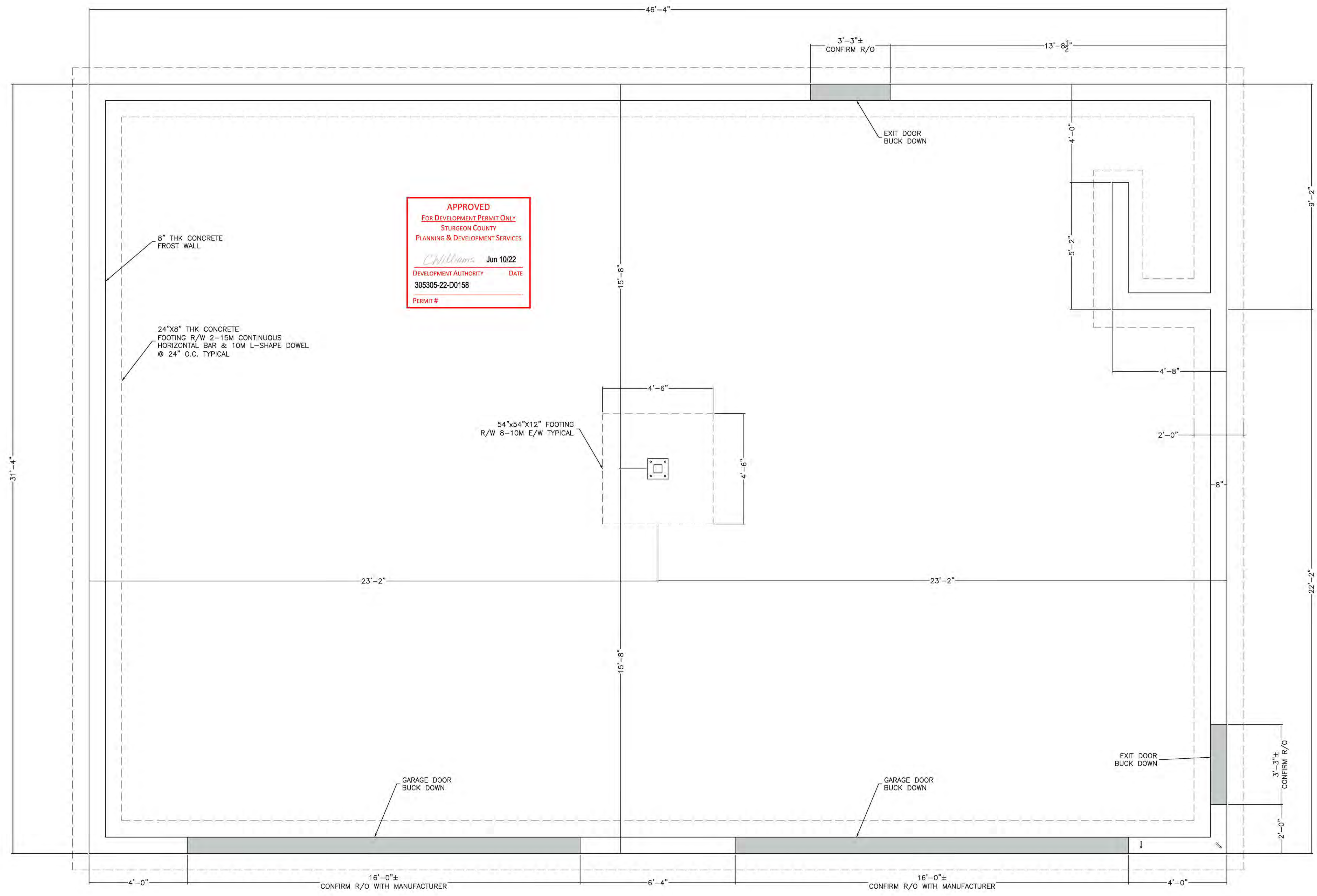
**CLIENT**  
 MICHAEL BLOSSOM  
 22 - 233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**PROJECT**  
 BLOSSOM RESIDENCE  
 22-233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**STAMP**  

 PROFESSIONAL ENGINEER ALBERTA  
 PARVEEN HANDAL  
 MAY 28, 2022

**DRAWING**  
 BUILDING ELEVATION VIEWS  
 PROJECT NO: 107 -2217 SCALE: AS SHOWN SHEET NO. S4 OF 12  
 U.N.O ALL DIMENSIONS ARE IN FEET - INCHES



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 PLANNING & DEVELOPMENT SERVICES  
*C. Williams* Jun 10/22  
 DEVELOPMENT AUTHORITY      DATE  
 305305-22-D0158  
 PERMIT #

NOTE:  
 CONFIRM ALL DOOR & WINDOW SIZE WITH OWNER. CONFIRM ALL DOOR & WINDOW OPENING WITH MANUFACTURER SHOP DRAWINGS AND ADJUST OPENING ACCORDINGLY.

A FOUNDATION FRAMING PLAN  
A1 SCALE: 1/2" = 1' = 0"

Severed in line with Section 17 of the FOIP Act

DRAWING ISSUANCE RECORD		
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6	PILE LAYOUT CHANGE, HANGER CHANGE	MM/DD/YY
7		MM/DD/YY

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**CONSULTANT**

**KALKATIC ENGINEERING LTD.**  
 CONSULTING STRUCTURAL ENGINEERING

10616 - 169 STREET  
 EDMONTON, ALBERTA, T5P 2X6

DATE: MAY 28, 2022  
 DESIGNED BY: FH  
 DRAWN BY: FH  
 CHECKED BY: FH

**CLIENT**  
 MICHAEL BLOSSOM

22 - 233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

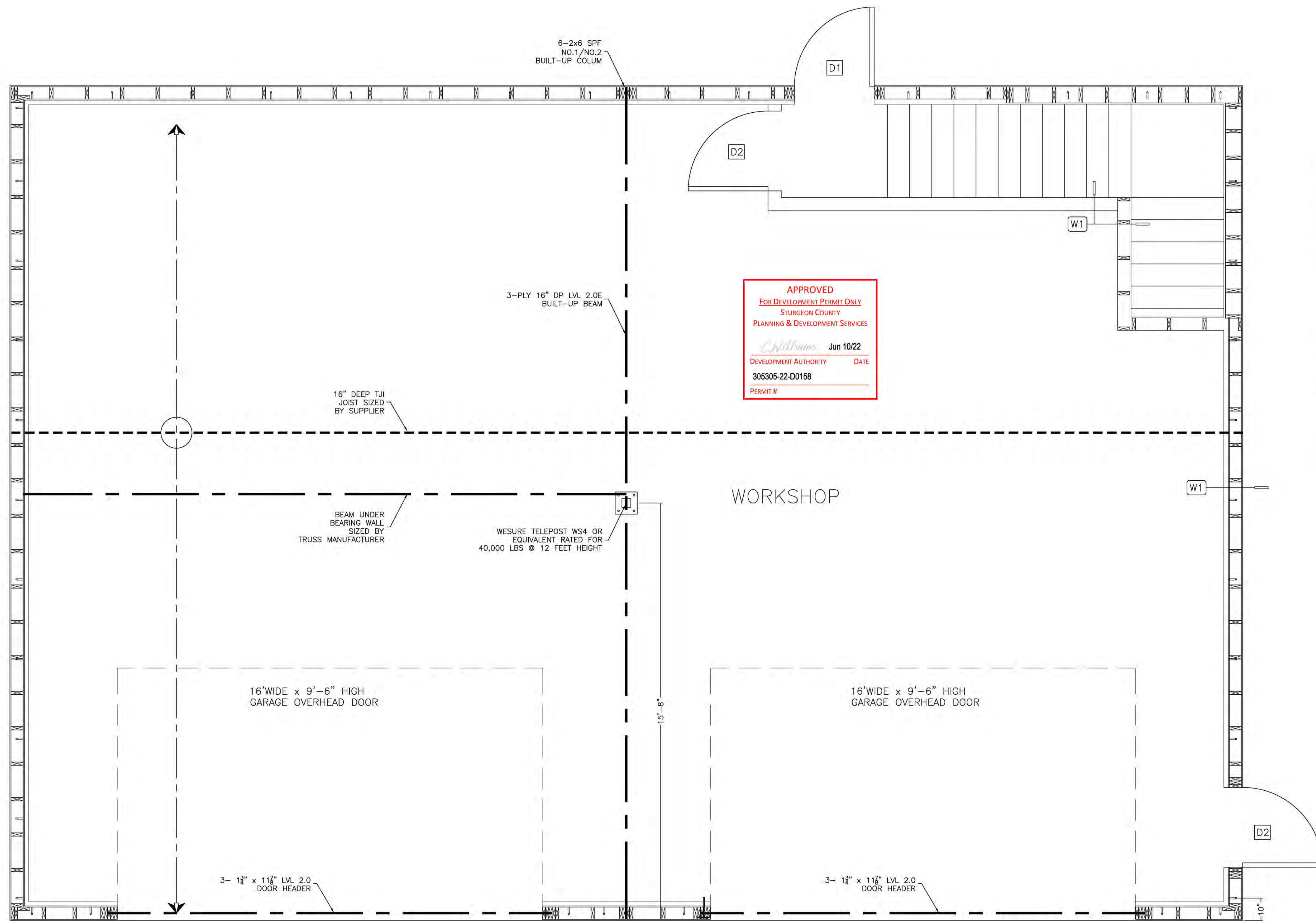
**PROJECT**  
 BLOSSOM RESIDENCE

22-233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**STAMP**

PROFESSIONAL ENGINEER ALBERTA  
 PAROOSH HANDEL  
 08208  
 MAY 28, 2022

DRAWING		
FOUNDATION FRAMING PLAN AND DETAILS		
PROJECT NO: 107 - 2217	SCALE: AS SHOWN	SHEET NO. A1 OF 12
U.N.O ALL DIMENSIONS ARE IN FEET - INCHES		



**DOOR SCHEDULE:**

- D1: 36"W X 80" INSULATED HOLLOW METAL DOOR, PSF, CLOSURE, LOCK SET, THRESHOLD, WEATHER STRIPPING
- D2: 1 HR FIRE RATED (3.1.8.4 NBC-AE 2019) 36"W X 80" HOLLOW METAL DOOR PSF, CLOSURE, LOCK SET, THRESHOLD, WEATHER STRIPPING, INSULATED

**WALL SCHEDULE:**

- W1: 1HR RATED WALL  
5/8" TYPE-X GYPSUM BOARD  
2X6 SPF NO.2 @ 16" O.C.  
5/8" TYPE-X GYPSUM BOARD
- W2: 2- 5/8" TYPE-X GYPSUM BOARD INSIDES  
2X6 OR 2X8 SPF NO.2 @ MAX. 16" O.C.  
INSULATION R24  
1/2" PLYWOOD SHEATHING

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*Chilbas* Jun 10/22  
 DEVELOPMENT AUTHORITY DATE  
 305305-22-00158  
 PERMIT #

A 2ND FLOOR FRAMING PLAN  
 A2 SCALE: 1/2" = 1' - 0"

Severed in line with Section 17 of the FOIP Act

DRAWING ISSUANCE RECORD		
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6	PILE LAYOUT CHANGE, HANGER CHANGE	MM/DD/YY
7		MM/DD/YY

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

**DATE:** MAY 28, 2022  
**DESIGNED BY:** FH  
**DRAWN BY:** FH  
**CHECKED BY:** FH

**CLIENT**  
 MICHAEL BLOSSOM

22 - 233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

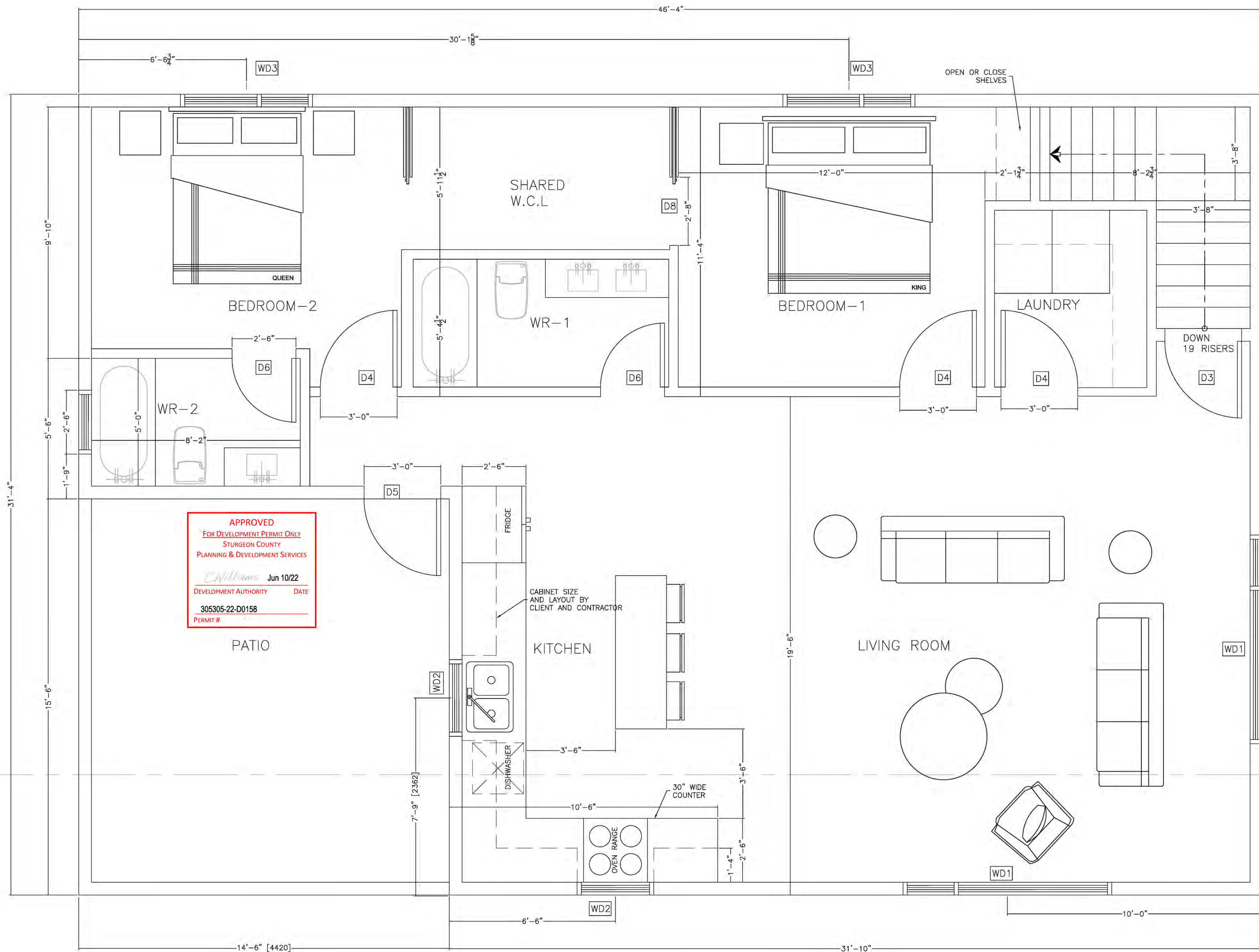
**PROJECT**  
 BLOSSOM RESIDENCE

22-233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**STAMP**  
  
 MAY 28, 2022

**DRAWING**  
 2ND FLOOR FRAMING PLAN

PROJECT NO: 107 -2217    SCALE: AS SHOWN    SHEET NO. A2 OF 12  
 U.N.O ALL DIMENSIONS ARE IN FEET - INCHES



**DOOR SCHEDULE:**

- D3: 1 HOUR FIRE RATED DOOR, 36"W X 80" INSULATED HOLLOW METAL DOOR, PSF, CLOSURE, LOCK SET, THRESHOLD, WEATHER STRIPPING
- D4: 36"W X 80" WOOD DOOR, LOCK SET
- D5: 36"W X 80" INSULATED HOLLOW METAL DOOR, PSF, CLOSURE, LOCK SET, THRESHOLD, WEATHER STRIPPING
- D6: 30"W X 80" WOOD DOOR, LOCK SET
- D7: 2-36"W X 80" BI-FOLD DOOR
- D8: 32" W X 80" POCKET DOOR

**WINDOW SCHEDULE:**

- WD1: 96"W x 60" HIGH DOUBLE GLAZED WITH MINIMUM ENERGY RATING 25, MAXIMUM TRANSMITTANCE VALUE W/M<sup>2</sup>.K 1.6
- WD2: 36"W x 48" HIGH DOUBLE GLAZED WITH MINIMUM ENERGY RATING 25, MAXIMUM TRANSMITTANCE VALUE W/M<sup>2</sup>.K 1.6
- WD3: 60"W x 60" HIGH DOUBLE GLAZED WITH MINIMUM ENERGY RATING 25, MAXIMUM TRANSMITTANCE VALUE W/M<sup>2</sup>.K 1.6

**WALL SCHEDULE:**

- W3: ALL INTERIOR WALLS ARE 1/2" DRYWALL, 2X4 @ 24" O.C., 1/2" DRYWALL
- W4: ALL EXTERIOR WALLS @ 2ND FLOOR, 1/2" DRYWALL, 2X6 SPF NO.1/NO.2 (2X8 @ TALL WALL), R24 INSULATION, 1/2" PLYWOOD SHEATHING, BUILDING PAPER, VINYL SIDING (COLOR BY CLIENT)

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

Severed in line with Section 17 of the FOIP Act

DRAWING ISSUANCE RECORD		
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7		MM/DD/YY

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

DATE: MAY 28, 2022  
 DESIGNED BY: FH  
 DRAWN BY: FH  
 CHECKED BY: FH

**CLIENT**  
 MICHAEL BLOSSOM

22 - 233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

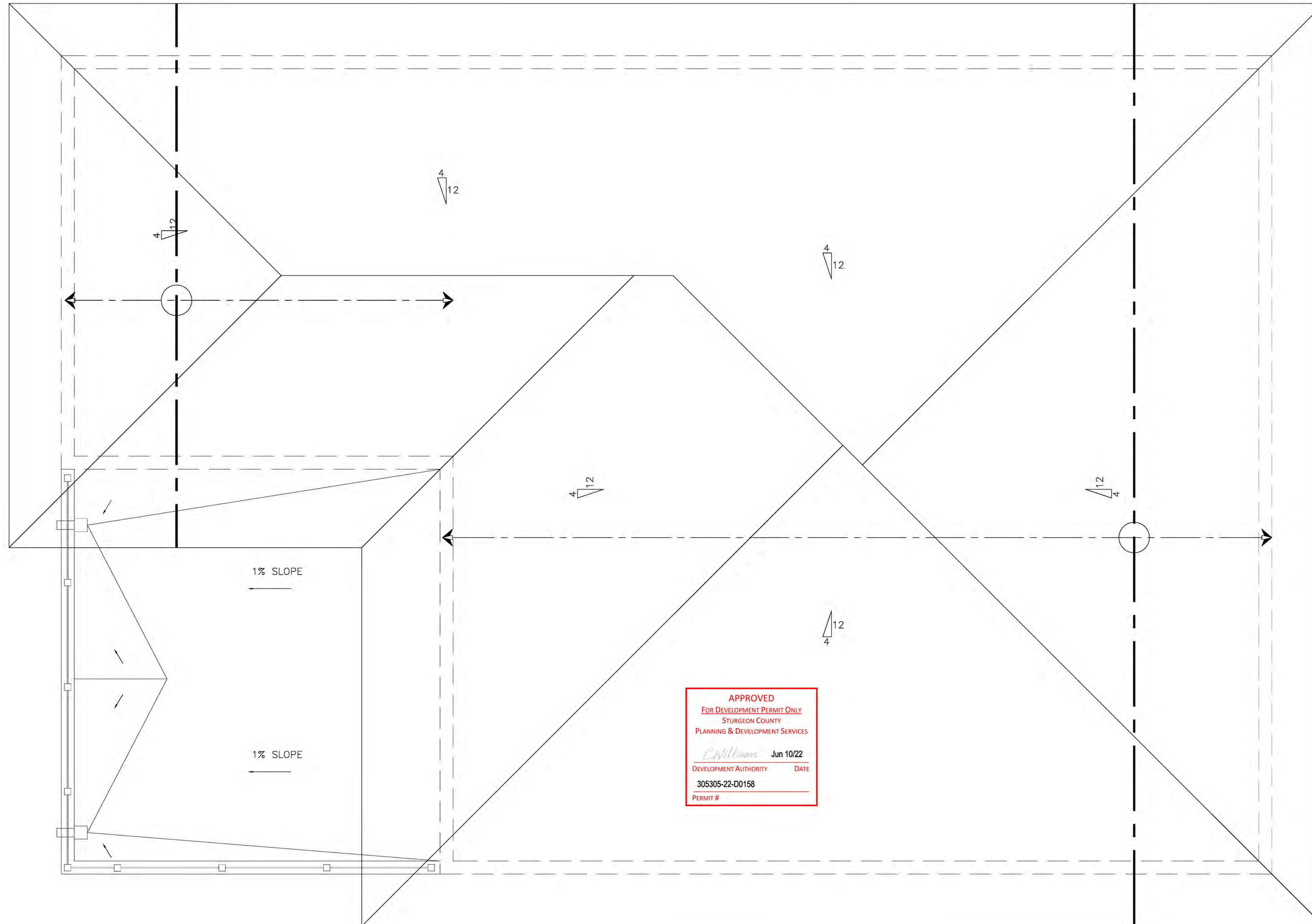
**PROJECT**  
 BLOSSOM RESIDENCE

22-233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**STAMP**

**DRAWING**  
 2ND FLOOR PLAN

PROJECT NO: 107 -2217 | SCALE: AS SHOWN | SHEET NO. A3 OF 12  
 U.N.O ALL DIMENSIONS ARE IN FEET - INCHES



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*C. Williams* Jun 10/22  
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 305305-22-D0158  
 PERMIT #

A ROOF FRAMING PLAN  
 S4 SCALE: 1/2" = 1'-0"

Severed in line with Section 17 of the FOIP Act

DRAWING ISSUANCE RECORD		
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 CONSULTING STRUCTURAL ENGINEERING  
 10616 - 169 STREET  
 EDMONTON, ALBERTA, T5P 2X6

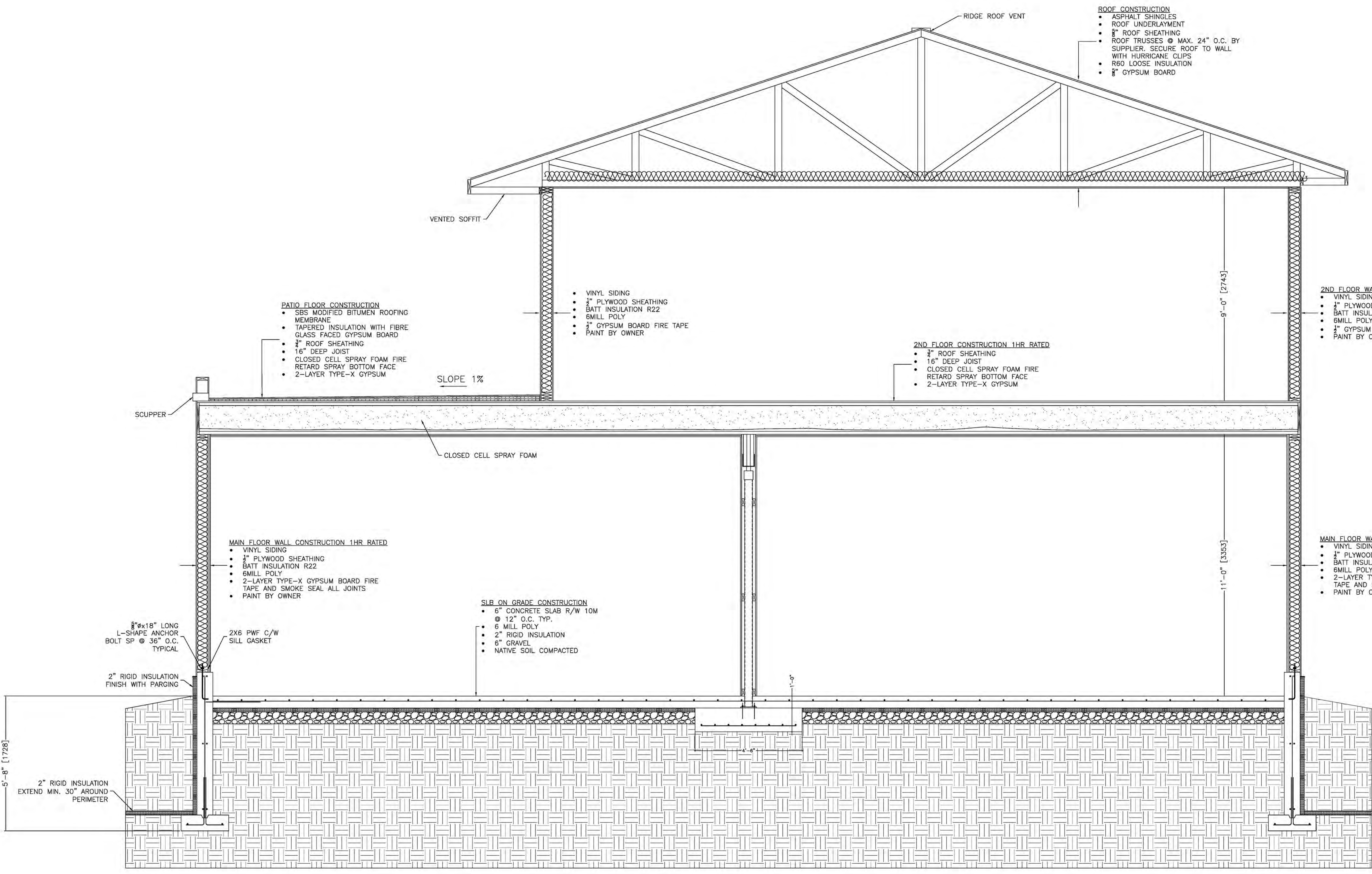
DATE: MAY 28, 2022  
 DESIGNED BY: FH  
 DRAWN BY: FH  
 CHECKED BY: FH

**CLIENT**  
 MICHAEL BLOSSOM  
 22 - 23516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**PROJECT**  
 BLOSSOM RESIDENCE  
 22-23516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**STAMP**  
  
 PROFESSIONAL ENGINEER ALBERTA  
 FAROQUE HANBEN  
 MAY 28, 2022

**DRAWING**  
 ROOF FRAMING PLAN  
 PROJECT NO: 107 -2217 SCALE: AS SHOWN SHEET NO. A4 OF 12  
 U.N.O ALL DIMENSIONS ARE IN FEET - INCHES



- ROOF CONSTRUCTION**
- ASPHALT SHINGLES
  - ROOF UNDERLAYMENT
  - 5/8" ROOF SHEATHING
  - ROOF TRUSSES @ MAX. 24" O.C. BY SUPPLIER. SECURE ROOF TO WALL WITH HURRICANE CLIPS
  - R60 LOOSE INSULATION
  - 5/8" GYPSUM BOARD

- PATIO FLOOR CONSTRUCTION**
- SBS MODIFIED BITUMEN ROOFING MEMBRANE
  - TAPERED INSULATION WITH FIBRE GLASS FACED GYPSUM BOARD
  - 5/8" ROOF SHEATHING
  - 16" DEEP JOIST
  - CLOSED CELL SPRAY FOAM FIRE RETARD SPRAY BOTTOM FACE
  - 2-LAYER TYPE-X GYPSUM

- VINYL SIDING
- 1/2" PLYWOOD SHEATHING
- BATT INSULATION R22
- 6MILL POLY
- 1/2" GYPSUM BOARD FIRE TAPE
- PAINT BY OWNER

- 2ND FLOOR CONSTRUCTION 1HR RATED**
- 5/8" ROOF SHEATHING
  - 16" DEEP JOIST
  - CLOSED CELL SPRAY FOAM FIRE RETARD SPRAY BOTTOM FACE
  - 2-LAYER TYPE-X GYPSUM

- 2ND FLOOR WALL CONSTRUCTION**
- VINYL SIDING
  - 1/2" PLYWOOD SHEATHING
  - BATT INSULATION R22
  - 6MILL POLY
  - 1/2" GYPSUM BOARD FIRE TAPE
  - PAINT BY OWNER

- MAIN FLOOR WALL CONSTRUCTION 1HR RATED**
- VINYL SIDING
  - 1/2" PLYWOOD SHEATHING
  - BATT INSULATION R22
  - 6MILL POLY
  - 2-LAYER TYPE-X GYPSUM BOARD FIRE TAPE AND SMOKE SEAL ALL JOINTS
  - PAINT BY OWNER

- SLAB ON GRADE CONSTRUCTION**
- 6" CONCRETE SLAB R/W 10M @ 12" O.C. TYP.
  - 6 MILL POLY
  - 2" RIGID INSULATION
  - 6" GRAVEL
  - NATIVE SOIL COMPACTED

- MAIN FLOOR WALL CONSTRUCTION 1HR RATED**
- VINYL SIDING
  - 1/2" PLYWOOD SHEATHING
  - BATT INSULATION R22
  - 6MILL POLY
  - 2-LAYER TYPE-X GYPSUM BOARD FIRE TAPE AND SMOKE SEAL ALL JOINTS
  - PAINT BY OWNER

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 STURGEON COUNTY  
 PLANNING & DEVELOPMENT SERVICES

*C. Williams* Jun 10/22  
 DEVELOPMENT AUTHORITY DATE

305305-22-D0158  
 PERMIT #

1 SECTION DETAIL  
 A3 SCALE: 1/2" = 1' - 0"

Severed in line with Section 17 of the FOIP Act

DRAWING ISSUANCE RECORD		
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6	PILE LAYOUT CHANGE, HANGER CHANGE	MM/DD/YY
7		MM/DD/YY

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**CONSULTANT**

**KALKATIC ENGINEERING LTD.**  
 CONSULTING STRUCTURAL ENGINEERING

10616 - 169 STREET  
 EDMONTON, ALBERTA, T5P 2X6

DATE: MAY 28, 2022

DESIGNED BY: FH

DRAWN BY: FH

CHECKED BY: FH

**CLIENT**

MICHAEL BLOSSOM

22 - 23516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**PROJECT**

BLOSSOM RESIDENCE

22-23516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**STAMP**

PROFESSIONAL ENGINEER ALBERTA  
 PAROOSH HANBI  
 MAY 28, 2022

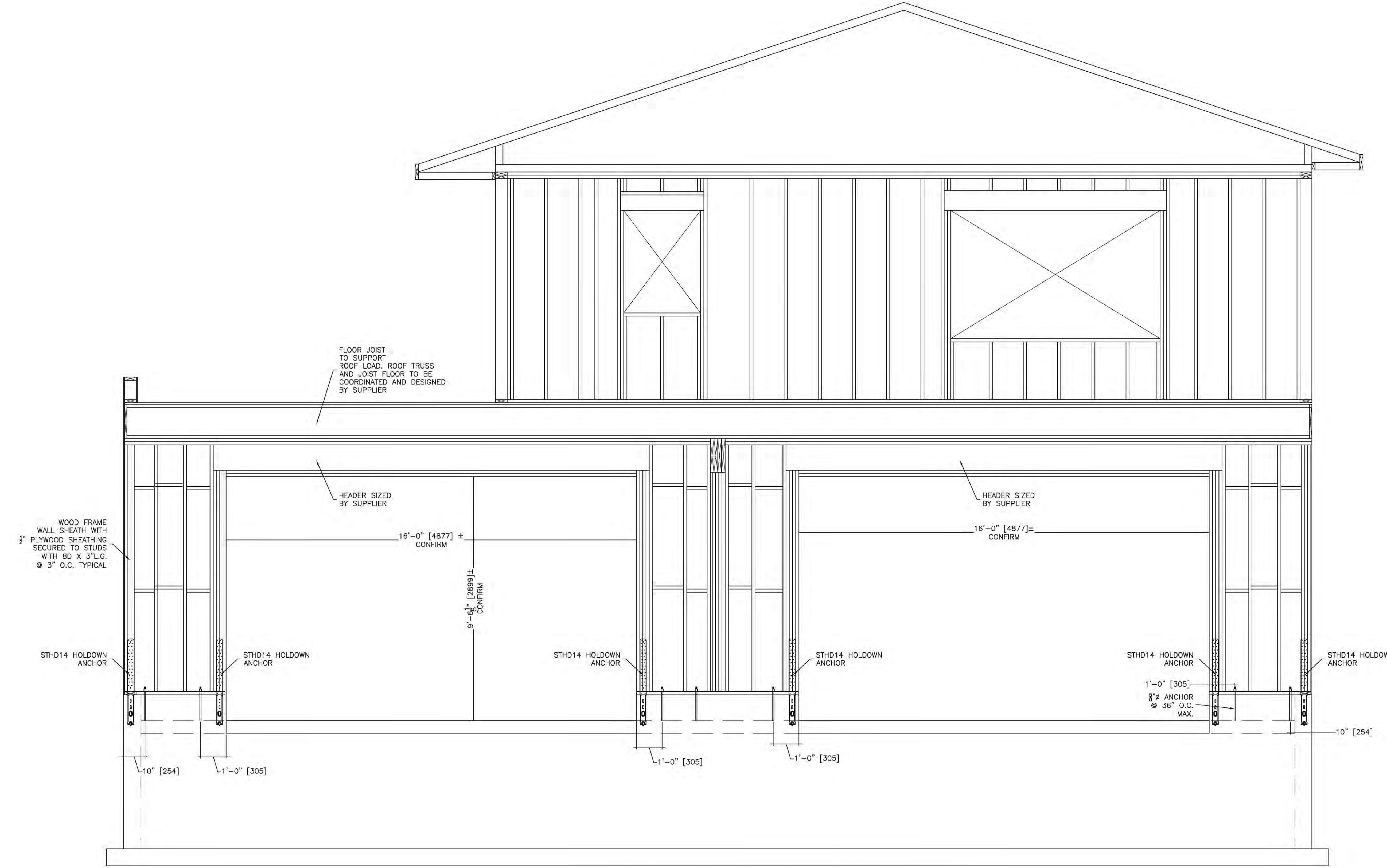
**DRAWING**

BUILDING SECTION VIEWS & DETAILS

PROJECT NO: 107 -2217 SCALE: AS SHOWN SHEET NO. A6 OF 12

U.N.O ALL DIMENSIONS ARE IN FEET - INCHES





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 PLANNING & DEVELOPMENT SERVICES  
*C. Williams* Jun 10/22  
 DEVELOPMENT AUTHORITY      DATE  
 305305-22-D0158  
 PERMIT #

A  
 A7 PORTAL FRAME ELEVATION VIEW  
 SCALE: 1/2" = 1' - 0"

Severed in line with Section 17 of the FOIP Act

DRAWING ISSUANCE RECORD			
NO.	DESCRIPTION	DATE	CHANGE
1	ISSUED FOR REVIEW PERMIT (IFP)	05/28/2022	
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 10616 - 169 STREET  
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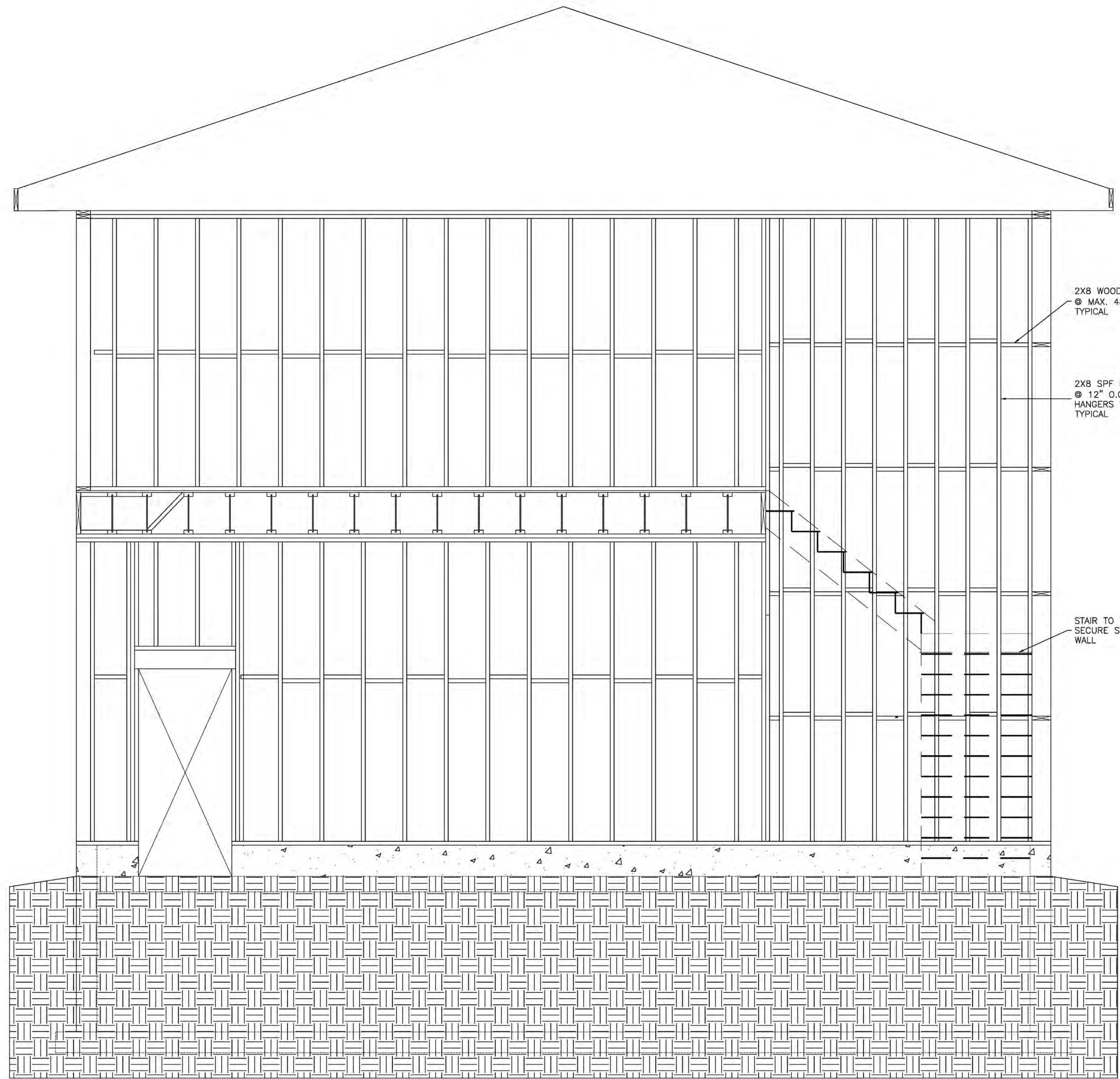
**DATE:**  
 MAY 28, 2022  
**DESIGNED BY:**  
 FH  
**DRAWN BY:**  
 FH  
**CHECKED BY:**  
 FH

**CLIENT**  
 MICHAEL BLOSSOM  
 22 - 233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

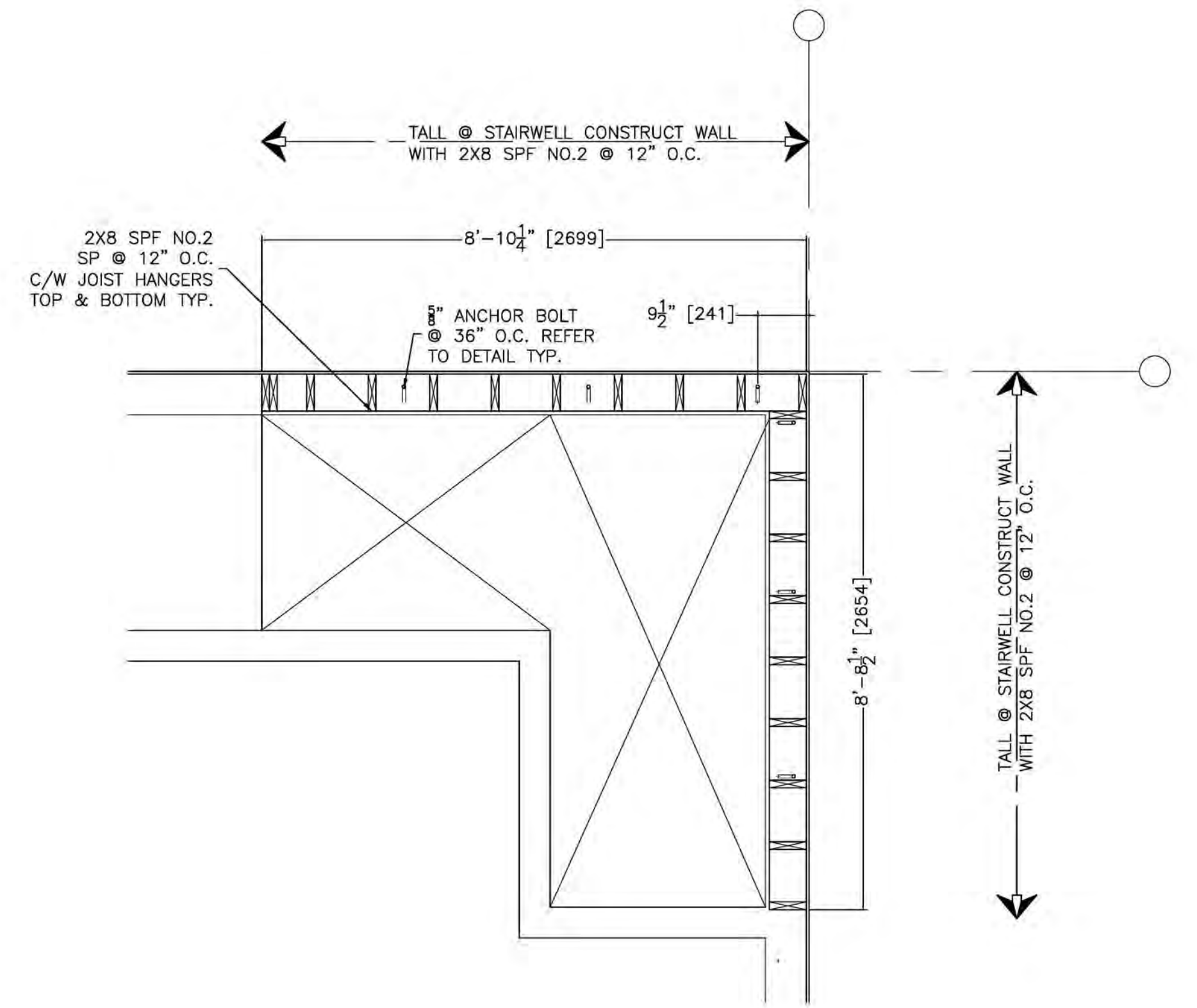
**PROJECT**  
 BLOSSOM RESIDENCE  
 22-233516 TWP 560  
 STURGEON COUNTY, ALBERTA, T0A 0K4

**STAMP**  
  
 PROFESSIONAL ENGINEER ALBERTA  
 FAROQUE HANIF  
 MAY 28, 2022

**DRAWING**  
 TALL WALL DETAIL  
 PROJECT NO: 107 -2217      SCALE: AS SHOWN      SHEET NO. A7 OF 12  
 U.N.O ALL DIMENSIONS ARE IN FEET - INCHES



A  
AB TALL WALL ELEVATION VIEW - STAIRWELL  
SCALE: 1/2" = 1' - 0"



A  
AB TALL WALL PLAN VIEW - STAIRWELL  
SCALE: 1/2" = 1' - 0"

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PLANNING & DEVELOPMENT SERVICES  
Jun 10/22  
DEVELOPMENT AUTHORITY DATE  
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PERMIT #

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

DATE: MAY 28, 2022  
DESIGNED BY: FH  
DRAWN BY: FH  
CHECKED BY: FH

CLIENT  
MICHAEL BLOSSOM  
22 - 23516 TWP 560  
STURGEON COUNTY, ALBERTA, T0A 0K4

PROJECT  
BLOSSOM RESIDENCE  
22-23516 TWP 560  
STURGEON COUNTY, ALBERTA, T0A 0K4

STAMP  
PROFESSIONAL ENGINEER ALBERTA  
MAY 28, 2022

DRAWING  
TALL WALL DETAIL  
PROJECT NO: 107 -2217 SCALE: AS SHOWN SHEET NO. A7a OF 12  
U.N.O ALL DIMENSIONS ARE IN FEET - INCHES



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

**For Office Use**  
 Permit Number: 305305-22-D0158  
 Date Received: June 6, 2022  
 Received By: BS

**DEVELOPMENT PERMIT APPLICATION FOR A SUITE**

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.

**1. APPLICANT INFORMATION**

Severed in line with Section 17 of the FOIP Act

Applicant Name	<u>Stephanie Rae Steele</u>	Landowner Name	
Applicant Address	<u>22-23516 TWP 560</u>	<small>if different than applicant</small>	

**2. LAND INFORMATION**

Municipal Address	<u>22-23516 TWP 560 TOAOKA</u>		Subdivision	<u>Herwith Estates</u>
Legal Description	Lot <u>7</u>	Block <u>4</u>	Plan <u>7720113</u>	Parcel Size <u>1.36 acres</u>
	Quarter <u>    </u>	Section <u>6</u>	Twp <u>56</u>	Rge <u>23</u> W <u>4</u>
Existing Use of Land or Building	<u>Primary Residence</u>			

**3. SUITE INFORMATION**

Secondary <input type="checkbox"/>	Garden <input type="checkbox"/>	Garage <input checked="" type="checkbox"/>
Area of Primary Residence Main Floor (m <sup>2</sup> or ft <sup>2</sup> ): <u>1438 sq feet</u>		
Area of the Proposed Suite (m <sup>2</sup> or ft <sup>2</sup> ): <u>1110 ft<sup>2</sup></u> # of Existing Bedrooms <u>5</u> # of Additional Bedrooms <u>2</u>		

**4. SEWAGE SYSTEM**

Municipal <input type="checkbox"/>	Private Septic System: Are you using an existing system <input type="checkbox"/> or installing a new system <input checked="" type="checkbox"/>
Please Choose: Treatment Mound <input type="checkbox"/> Treatment Field <input type="checkbox"/> Open Discharge <input type="checkbox"/> Septic Tank <input checked="" type="checkbox"/>	

**5. WATER SYSTEM**

Municipal <input checked="" type="checkbox"/>	Well <input type="checkbox"/>	Cistern <input type="checkbox"/>
---	-------------------------------	----------------------------------

**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.

Severed in line with Section 17 of the FOIP Act

Signature of Authorized Applicant(s)	<u>April 19<sup>th</sup>, 2022</u>	Signature of Landowner	<u>April 19<sup>th</sup>, 2022</u>
	Date		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 - PERMIT FEES ARE NON-REFUNDABLE**

Fee \$ <u>310</u>	Penalty \$ <u>-</u>	Receipt # <u>202203242</u>	Tax Roll # <u>1161060</u>	Zoning <u>R1</u>
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 022-STU-010**

**FILE INFORMATION**

Department File:	305305-22-D0158
Legal Land Description:	Lot 7; Block 4; Plan 7720113
Relative Location:	Hewitt Estates
Appellant:	James & Laura Betz
Landowner:	Stefanie Steele
Description of Appeal:	Appealing the Decision of the Development Authority: Approval to Construct an Accessory Dwelling Unit (Garage Suite with a Height Variance)
Land Use Bylaw District:	R1 – Country Residential
Tax Roll Number:	1161060

**BACKGROUND**

- June 10, 2022, the Development Authority approved an application to construct an Accessory Dwelling Unit on the subject parcel.
- In accordance with Land Use Bylaw 1385/17, as amended by Bylaw 1587/22, an Accessory Dwelling Unit is a discretionary use within the R1 district and therefore adjacent landowners were notified of the decision.
- A site plan provided as part of the application showed the existing single detached dwelling, and existing shed, and the proposed suite. The site plan confirmed the existing driveway approach will have an extension to the proposed suite.
- The floor plan of the accessory dwelling unit shows the main floor of the building is to be for garage/workshop purposes and the second floor includes the living area. The living area consists of a kitchen, living room, laundry facilities, two bedrooms and an outdoor patio.
- The elevation drawings revealed the proposed height of the structure to be 8.5m (28ft).
- The application form states a new septic tank is to be installed for private sewage.

**PROPERTY INFORMATION**

- The parcel is 0.55ha (1.36acres) in area and developed with a single detached dwelling with an attached garage and small accessory buildings.
- The land title includes a caveat (#782 117 404) dated January 31, 1978. The Restrictive Covenant Agreement between the original developer of the subdivision and the original landowner of the parcel states, *no more than one dwelling for one family or household unit with such further structures as may be necessary for the use of such household unit shall be erected on any private area in Hewitt Estates. Resale of any lot must be accompanied by and include these covenants and restrictions to be assumed by the new*

*purchaser*. The municipality is not a party to the caveat and therefore the County is not obligated and cannot enforce or adhere to these restrictions.

## RELIVANT POLICY/LEGISLATION

- **Municipal Development Plan**

- Residential Character – Residential Type 1
  - Section 2.3.6 should advocate for compact residential types, mixed-use developments, and secondary suite allowance in accordance with the Capital Regional Growth Plan's strategic principles.

- **Land Use Bylaw 1385/17, amended by Bylaw 1587/22**

- Section 6.1A General Regulations and Accessory Dwelling Unit Floor Area
  - Shall be constructed on a permanent foundation.
  - Shall be designed and finished to compliment the exterior finish of the principal dwelling.
  - Minimum distance between accessory dwelling unit and principal dwelling shall be 4.8m.
  - Accessory dwelling units developed as garden or garage suites shall meet the development regulations for accessory buildings of the applicable district.
  - Maximum floor area of accessory dwelling units shall be 115m<sup>2</sup> (1,237ft<sup>2</sup>) in the R1 district.
  - Specifically for accessory dwelling units developed within an accessory building such as a detached garage, the combined floor area shall not exceed the maximum floor area regulations for an accessory building of the applicable district.
- Section 12.1 R1 – Country Residential District
  - Minimum front yard setback – 12m (39.4ft)
  - Minimum side and rear yard setback – 3m (9.8ft)
  - Maximum height for Accessory Building – 8m (26.2ft)
  - Maximum floor area for Accessory Building – 230m<sup>2</sup> (2,475.7ft<sup>2</sup>)
  - Maximum parcel coverage – 15%

## ANALYSIS

- An accessory dwelling unit is supported as an affordable housing option in the R1 district according to the MDP.
- The proposed Accessory Dwelling Unit meets the definition of a Garage Suite, and the proposed location is in accordance with all setback requirements.

- The proposed suite does not meet the Bylaw regulations with respect to the height of an accessory building. The maximum height for an accessory building is 8m (26.2ft) and the proposed building is 8.5m (28ft). A variance of 0.5m (1.6ft) or 5.9% was granted in accordance with section 2.8.6 which states the Development Officer may grant a variance of up to 19.9% in the R1 district.
- The suite is under 115m<sup>2</sup> (1,237ft<sup>2</sup>) in area.
- The parcel coverage of existing buildings and the proposed suite is 6.9%.
- The applicant confirmed vehicle access to the suite will be an extension of the existing driveway used for the principal dwelling. Only one access is allowed as per the County's General Municipal Servicing Standards. There is ample space for on-site parking to be provided for on the parcel.

### CONCLUSION

- The SDAB may take into consideration:
  - Suitability of the land for the proposed use
  - Non-compliance with the Land Use Bylaw (height variance)
  - Traffic
  - Intensity of Use

### ATTACHMENT(S)

- Land Use Bylaw 6.1A General Regulations and Accessory Dwelling Floor Area

Prepared By:



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**Carla Williams**, Development Officer

Reviewed By:

**Tyler McNab**

Digitally signed by Tyler McNab  
Date: 2022.07.07 14:35:23 -06'00'

---

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

## PART 6 SPECIAL REGULATIONS

The regulations included in this Part are in addition to those in Section 2.4 and apply to all districts, unless the district regulations state otherwise, in which case the district regulations shall prevail.

### 6.1 ACCESSORY USE, ACCESSORY BUILDING AND ACCESSORY AGRICULTURAL BUILDING

- .1 Unless otherwise indicated in a district, *accessory uses* and *buildings* are:
  - (a) *permitted* in all districts where the *principal use* is a *permitted use* in that same district and for which a *development permit* has been issued; and
  - (b) *discretionary* in all districts where the *principal use* is a *discretionary use* in that same district and for which a *development permit* has been issued.
- .2 An *accessory building* or an *accessory agricultural building* shall not be used as a *dwelling* unless approved as an *accessory dwelling unit* under Section 6.1A or a *surveillance suite* under Section 6.32.  
1432/19; 1587/22
- .3 Where an *accessory building* is attached to a *principal building* by a roof, an open or enclosed structure above *grade* or a floor or *foundation* which is above *grade*, it is to be considered part of the *principal building* and not as an *accessory building* and shall adhere to the appropriate *principal building setback* regulations.
- .4 Except as otherwise provided for in this Section, for any district, an *accessory building* or *use* is not *permitted* on a *parcel* without a *principal building* or *use* being previously developed on the *parcel*.
- .5 Notwithstanding Subsection 6.1.4 and on a vacant parcel, the *Development Authority* may accept a *development permit* application for an *accessory building* concurrent with a *development permit* application for a *principal building*, subject to both *buildings* being constructed within the specified time frame approved by the *development permit*.
- .6 An *accessory agricultural building* shall comply with the prescribed setbacks for an *accessory building* in the applicable district.  
1407/18
- .7 An *accessory building* or *accessory agricultural building* shall be set back a minimum of 1.9m (6.2ft) from the *principal building*.
- .8 [REMOVED] 1560/21

### 6.1A ACCESSORY DWELLING UNIT 1587/22

- .1 General Regulations
  - (a) A maximum of one *accessory dwelling unit* shall be considered per *principal dwelling* and shall be subordinate to the *principal dwelling* in all districts except AG-Major and AG-Minor parcels within the Agriculture District which may allow up to two *accessory dwelling units*.
  - (b) An *accessory dwelling unit* located within or attached to a *principal dwelling* as a *secondary suite* shall be a *permitted use* in the AG and R1 Districts.
  - (c) Shall be constructed on a *permanent foundation* which may or may not include a *basement*.
  - (d) Shall not be separated from the *principal dwelling* by condominium conversion or subdivision.
  - (e) Shall be designed and finished to match or compliment the exterior finish of the *principal dwelling*.
  - (f) *Accessory dwelling units* should connect to municipal water and sanitary services where available
  - (g) An application for an *accessory dwelling unit* shall verify that the development meets the current Alberta Private Sewage Systems Standard of Practice.
  - (h) Provision for on-site parking shall be in accordance with Part 9 of this Bylaw.



- (i) Shall not be permitted on the same *parcel* containing a *group home (major or minor), family day home, farm help accommodation, bed and breakfast, visitor accommodation or home-based business (level 3)*.
  - (j) Shall have an entrance separate from any vehicle entrance and be either from a common indoor landing or directly from the exterior of the structure.
  - (k) The minimum distance between an *accessory dwelling unit* and *principal dwelling* shall be 4.8m (15.7ft) or as per the Alberta Building Code.
  - (l) *Accessory dwelling units* developed as *garden or garage suites* shall meet the *development regulations for accessory buildings* of the applicable district.
- .2 Accessory Dwelling Unit floor area
- (a) Maximum *floor area* of *Accessory Dwelling Units* shall be: 115m<sup>2</sup> (1,237ft<sup>2</sup>) in the R1 district and on AG-Residential parcels within the AG District, and 80m<sup>2</sup> (861sqft) in all other residential districts. There shall be no maximum floor area regulations on AG-Major and AG-Minor parcels within the AG district.
  - (b) Notwithstanding the above, an *accessory dwelling unit* located entirely within a *basement* may have a maximum *floor area* up to the gross *floor area* of the main floor of the *principal dwelling*.
  - (c) Specifically for *accessory dwelling units* developed within an *accessory building* such as a detached garage, the combined *floor area* shall not exceed the maximum *floor area* regulations for an *accessory building* of the applicable district.
  - (d) Specifically in determining maximum *floor area* for *accessory dwelling units* shared mechanical rooms, stairways and attached garages shall be excluded from the *floor area* calculations.

## 6.2 BED & BREAKFAST 1560/21

- .1 *Bed and breakfast developments* shall:
- (a) be an *accessory use* in the *dwelling*;
  - (b) have a maximum of four guest rooms in the AG district and two guest rooms in all residential districts;
  - (c) not alter the external appearance of the *dwelling* in any manner which, in the opinion of the *Development Authority*, is inconsistent with the existing character of the neighbourhood; and
  - (d) not include a kitchen or food preparation facilities within the guest rooms.
- .2 [REMOVED] 1560/21
- .3 A parcel containing a bed and breakfast use shall not contain an accessory dwelling unit.

1560/21; 1587/22

## 6.3 CAMPGROUND

- .1 A *concept plan* satisfactory to the *Development Authority* shall be submitted with the *development permit* application. The *concept plan* shall:
- (a) identify and address public safety concerns, incompatible land *use* issues, *environmentally significant lands*, *development* constraints and the topography of the site;
  - (b) include a plan for the *development* area, including the number of stalls and sequence of the *development* proposed, including the preliminary layout of *campsites* and the general location of the transportation networks, land *use*, *public utilities* and reserve land. *Road* widths, *parcel* access and egress, emergency access, parking areas, storage areas, washroom and laundry areas and recreational areas shall also be addressed;
- .2 *Roads* leading to a proposed *campground* may be required, as a condition of *development* approval, to be brought into a condition necessary to sustain the volume and type of traffic to be generated by the proposed *campground* in accordance with Sturgeon County's General Municipal Servicing Standards.

# 022-STU-010

Development Authority Report

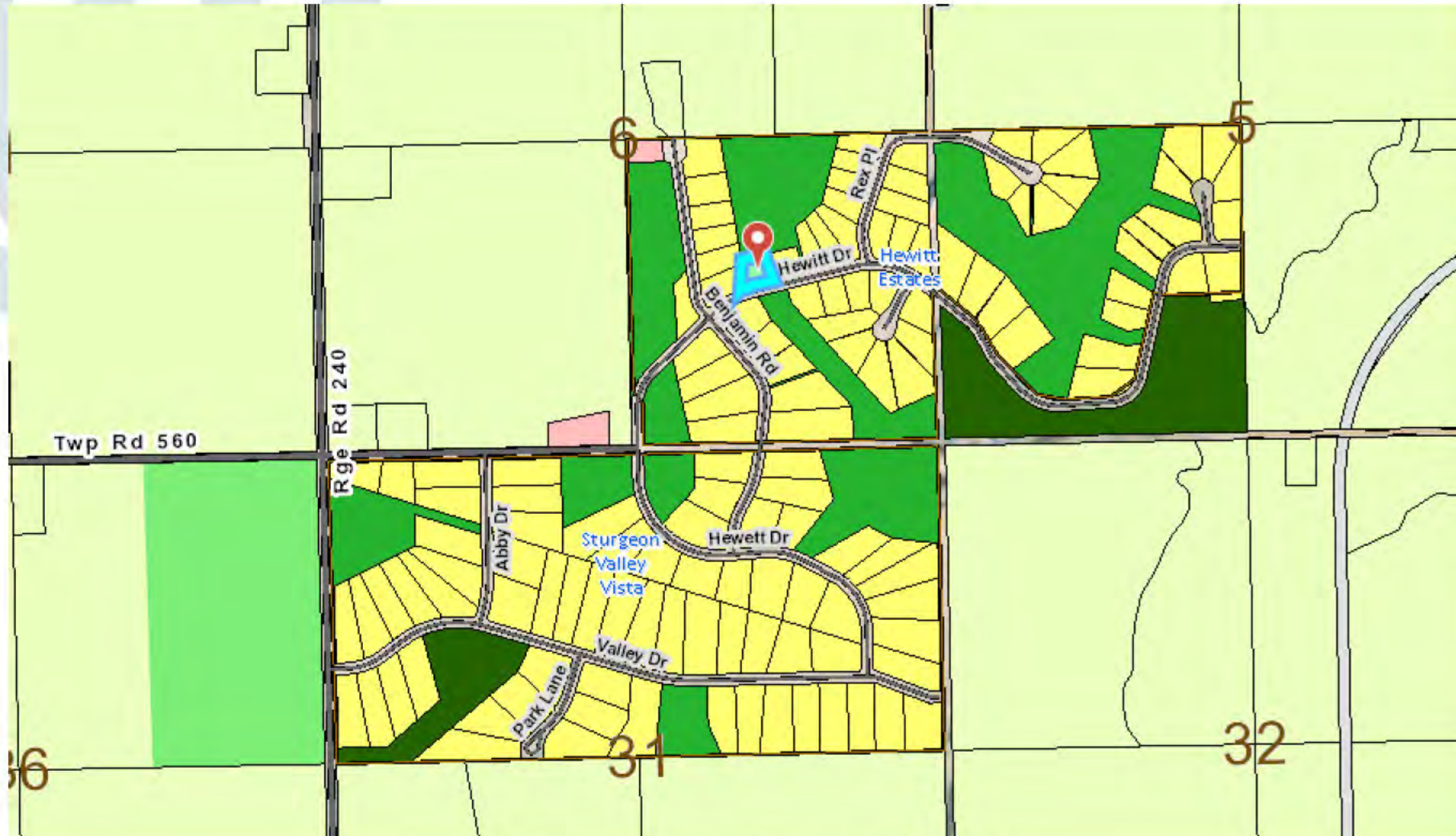
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2022-07-19

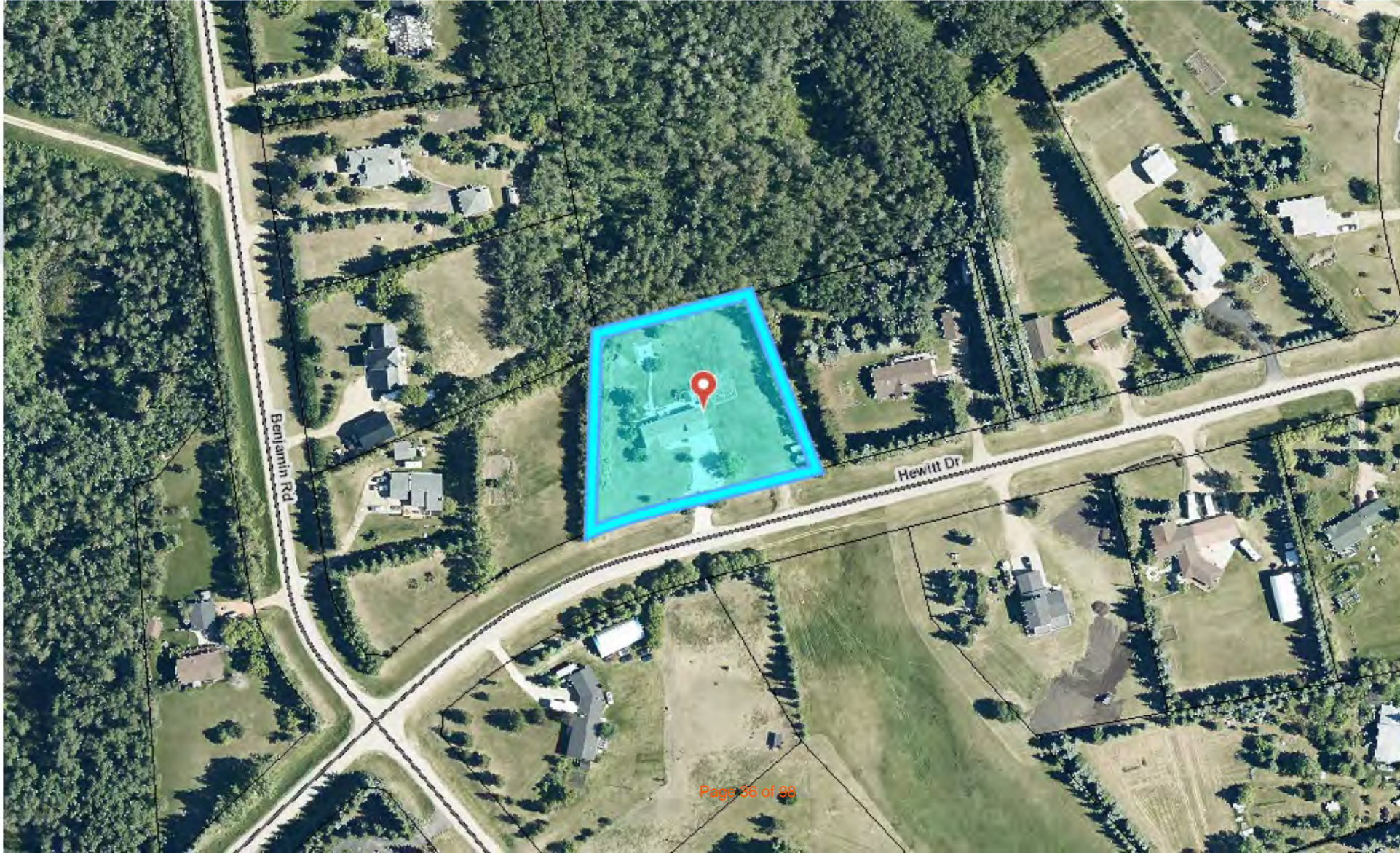


Sturgeon  
C O U N T Y

# Site Location (Local)



# Site Location (Site)



# Property Information

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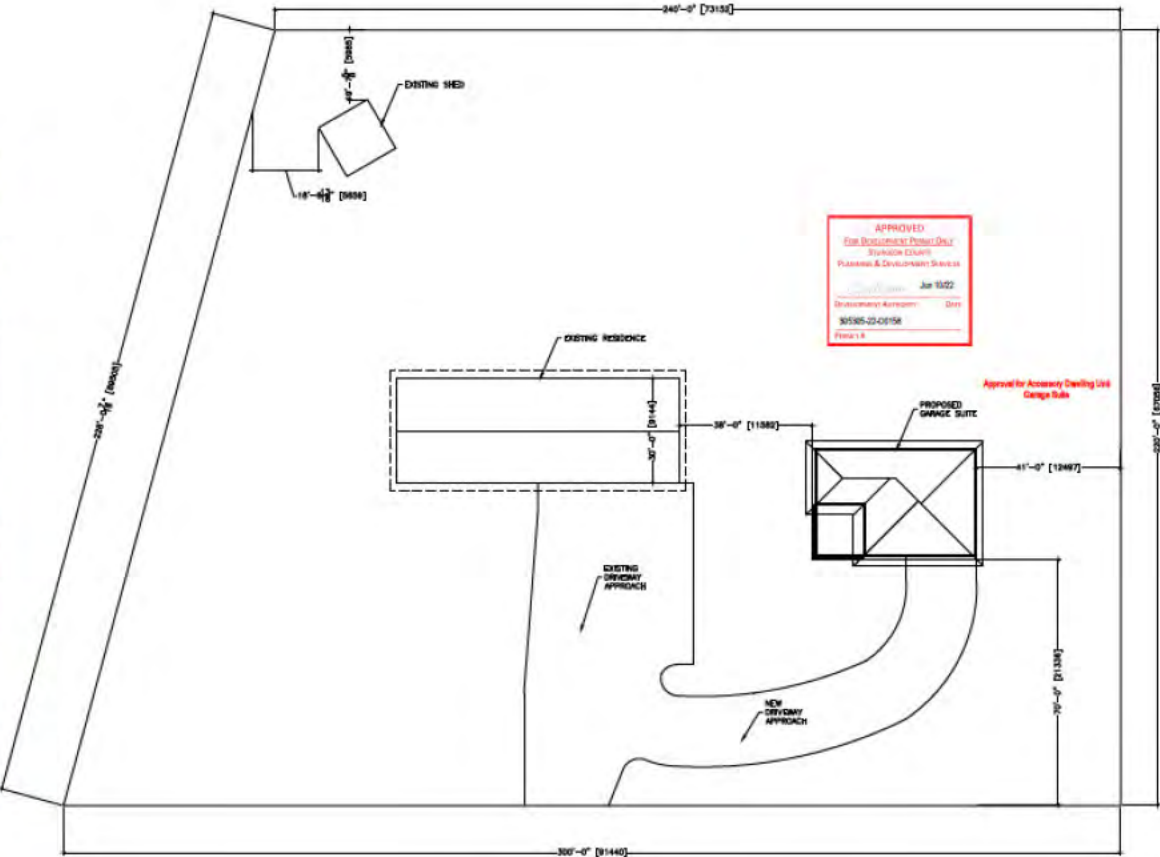
22 23516 TWP RD 560

Lot 7; Block 4; Plan 7720113

- 0.55 ha in size
- R1 – Country Residential District
- Development Permits & Information
  - #203-78 Single Detached Dwelling with Attached Garage
  - #305305-07-D0607 Storage Shed

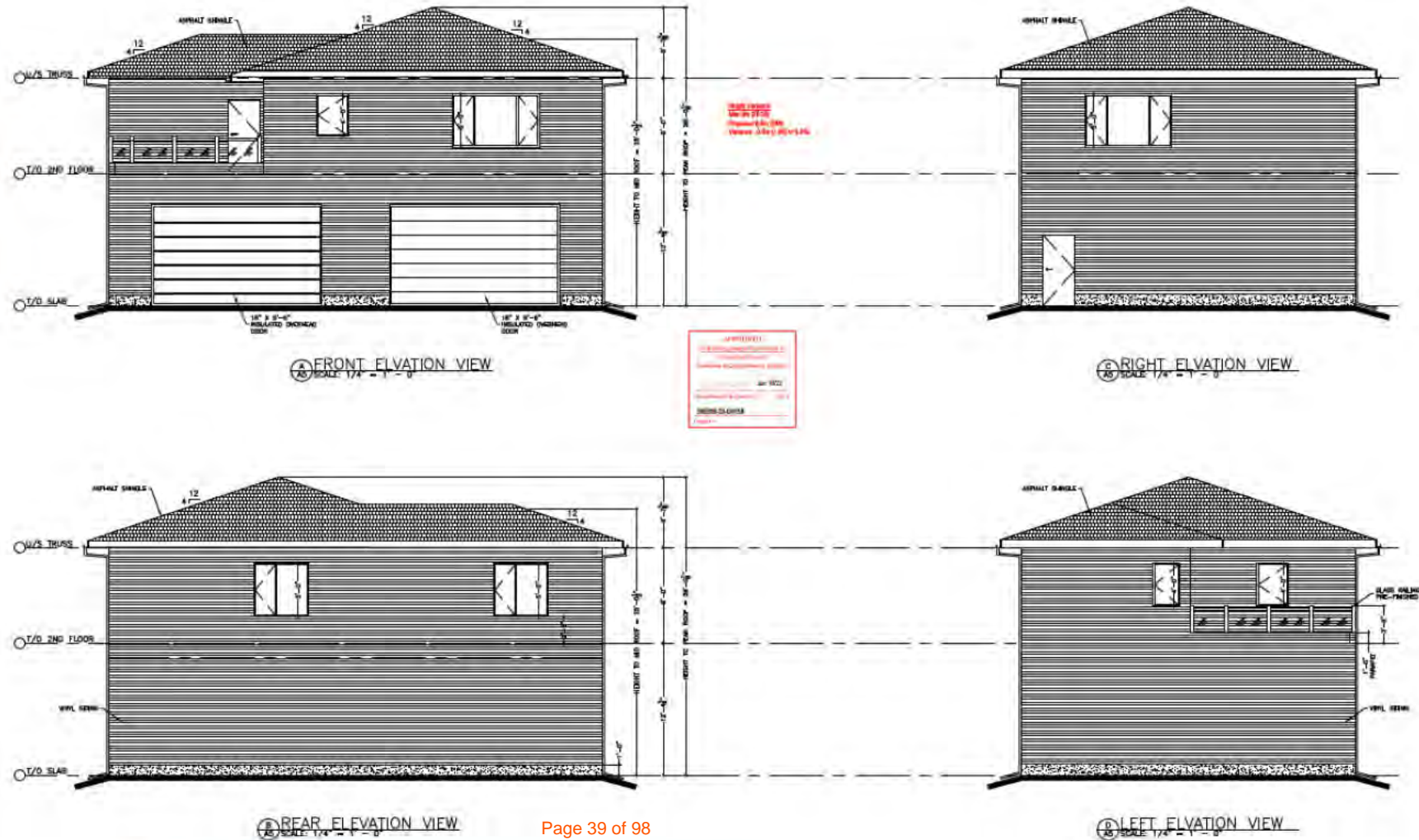
# Background

## Application



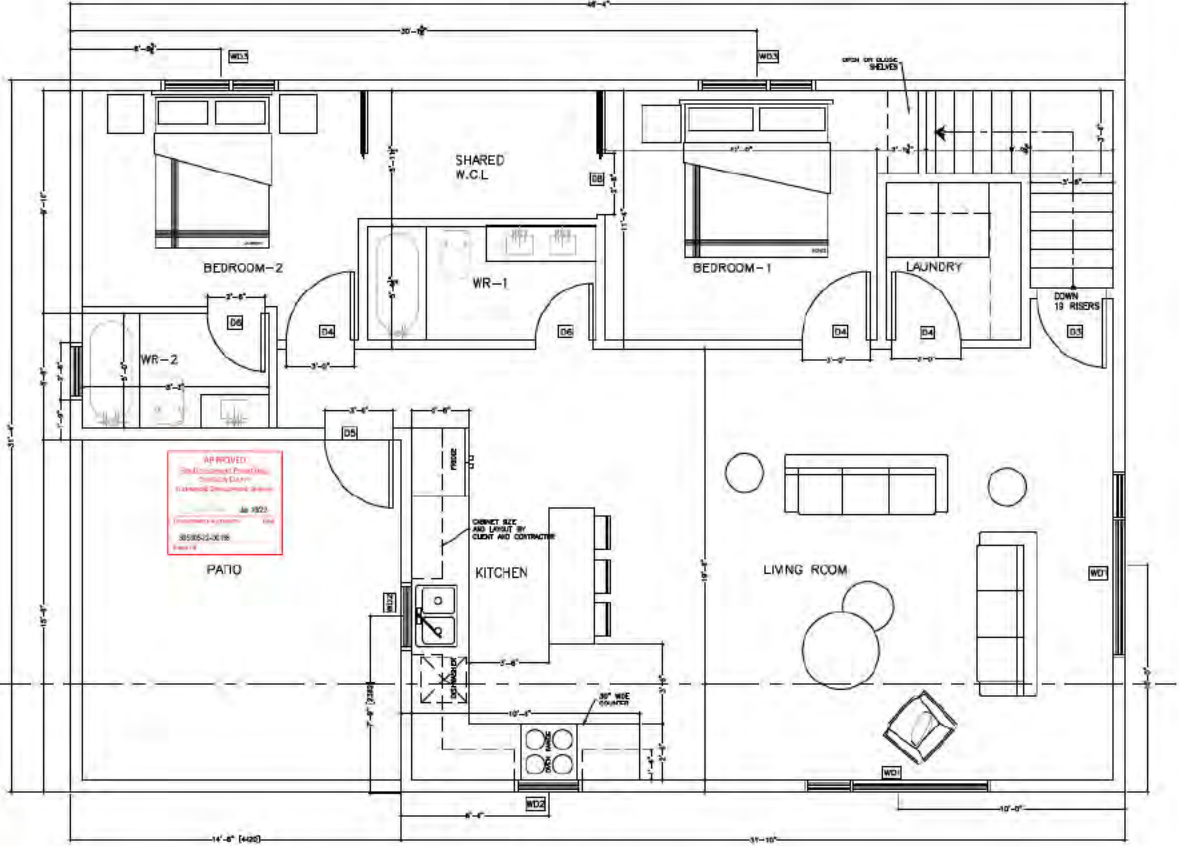
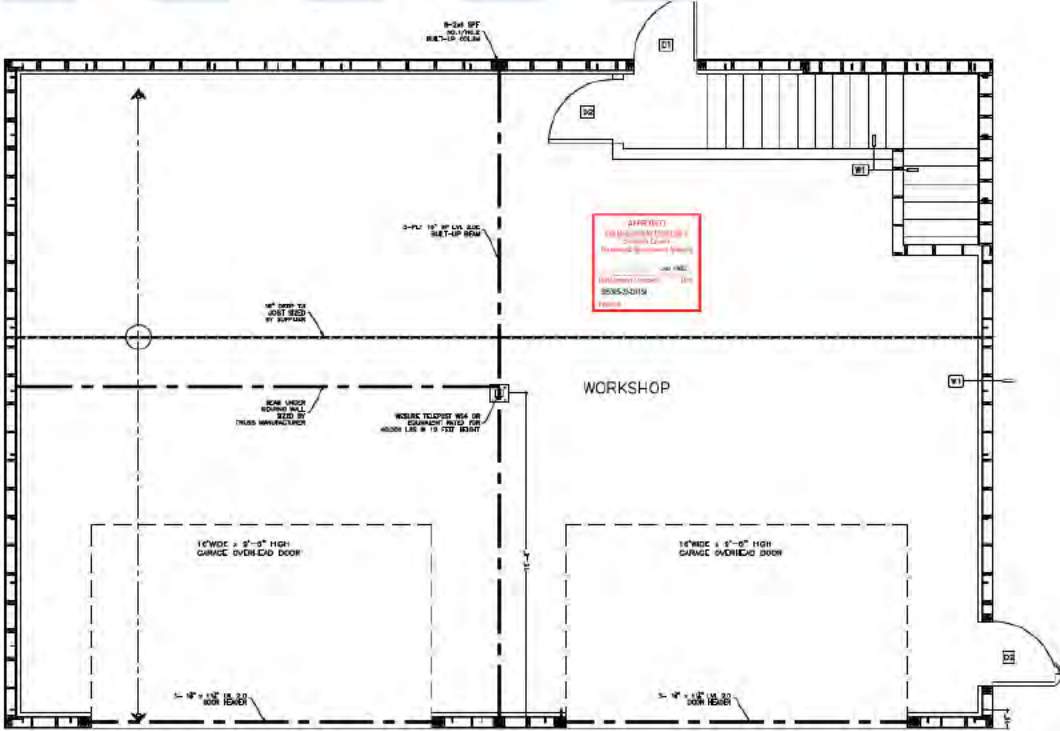
# Background

## Application



# Background

## Application



2ND FLOOR PLAN  
SCALE 1/8" = 1'-0"



# Relevant Policy & Legislation

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## Municipal Development Plan

- Residential Character – Residential Type 1
  - Section 2.3.6 Should advocate for compact residential types, mixed-use developments, and secondary suite allowance in accordance with the Capital Regional Growth Plan’s strategic principles.

# Relevant Policy & Legislation

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## Land Use Bylaw 1387/17, amended by Bylaw 1587/22

- Section 6.1A – General Regulations and Accessory Dwelling Unit (ADU) Floor Area
  - Permanent foundation
  - Designed and finished to compliment the exterior finish of the principal dwelling
  - Min distance between ADU and principal dwelling - 4.8m
  - ADU developed as Garage Suite shall meet the development regulations for accessory buildings of the R1 District
  - Max floor area 115m<sup>2</sup> (1,237ft<sup>2</sup>)
- Section 12.1 R1 – Country Residential District
  - Min front yard setback 12m (39.4ft)
  - Min side and rear yard setback 3m (9.8ft)
  - Maximum height for Accessory Building 8m (26.2ft)
  - Maximum floor area for Accessory Building 230m<sup>2</sup> (2,475ft<sup>2</sup>)
  - Maximum parcel coverage 15%

# Analysis

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## Development Authority Review

- ADU is supported as an affordable housing option
- ADU meets the definition of a Garage Suite and meets all required setbacks
- Does not meet the Bylaw regulations with respect to the height.
  - Max height 8m
  - Proposed 8.5m
  - Variance of 0.5m (1.6ft) or 5.9% granted in accordance with section 2.8.6 of the Land Use Bylaw
- Max floor area 115m<sup>2</sup> (1,237ft<sup>2</sup>) - Suite is under 115m<sup>2</sup> in floor area
- Parcel coverage 6.9%
- Vehicle access to the suite will be in accordance with the approved site plan (one access per parcel)

# Conclusion

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## Recommendation

- The SDAB may take into consideration
  - The suitability of the land for the proposed use
  - Non-compliance with the Land Use Bylaw (height variance)
  - Traffic
  - Intensity of Use

# 022-STU-010

Development Authority Report

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2022-07-19

# APPELLANT SUBMISSIONS RECEIVED

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**\*NOTE:**

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

# APPLICANT'S SUBMISSIONS RECEIVED

**From:** [stefanie steele](#)  
**To:** [Legislative Services](#)  
**Subject:** File # 305305-22-D0158 Support Evidence for Appeal  
**Date:** July 12, 2022 1:28:16 PM  
**Attachments:** [Evidence to Support - Other suites in neighbourhood.docx](#)  
[Support Letter - Jaime and Nathalie.docx](#)  
[Support Letter - Kayla and Josh.pdf](#)  
[Support Letter - Kevin and Danielle.docx](#)  
[Support Letter - Orest and June.pdf](#)

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**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 ISSupport@sturgeoncounty.ca

Good Afternoon,

I am writing this email in regards to the appeal of "development permit- Accessory Dwelling Unit- to construct a Garage Suite with a Height Variance to be located on Lot 7, Block 4, Plan 7720113; 22-23516 Township Road 560"

My husband Michael Blossom and I, will be attending the appeal hearing on July 19<sup>th</sup> at 2:00pm in person. We have provided evidence in refute of Mr. and Mrs. Betz's appeal, which includes the following:

1. Support letters written from 4 separate adjacent neighbours who fully support our proposal and do not believe there is any negative or direct impact to homeowners in the neighbourhood.
2. A sample of two properties which are currently for sale (on Realtor.ca) which have a garage suite and basement suite. This is direct evidence to the contrary of bullet point 2 and 3 of the Betz's appeal. I am also aware of at least 4 other properties in Hewitt Estates and Sturgeon Valley Vista that have garage/in-law suites. While I recognize precedent is not a consideration in the hearing, one of the Betz's main appeal points was that secondary suites are not allowed in R1.

Thank you for your consideration,

Stefanie and Michael

Sent from [Outlook](#)



**Property #1 currently for sale on Valley Drive (legal basement suite)**



Contact REALTOR®

**Property Information**

Property type: **Single Family**

Building type: **House**

Storeys: **1.5**

Built in: **1996**

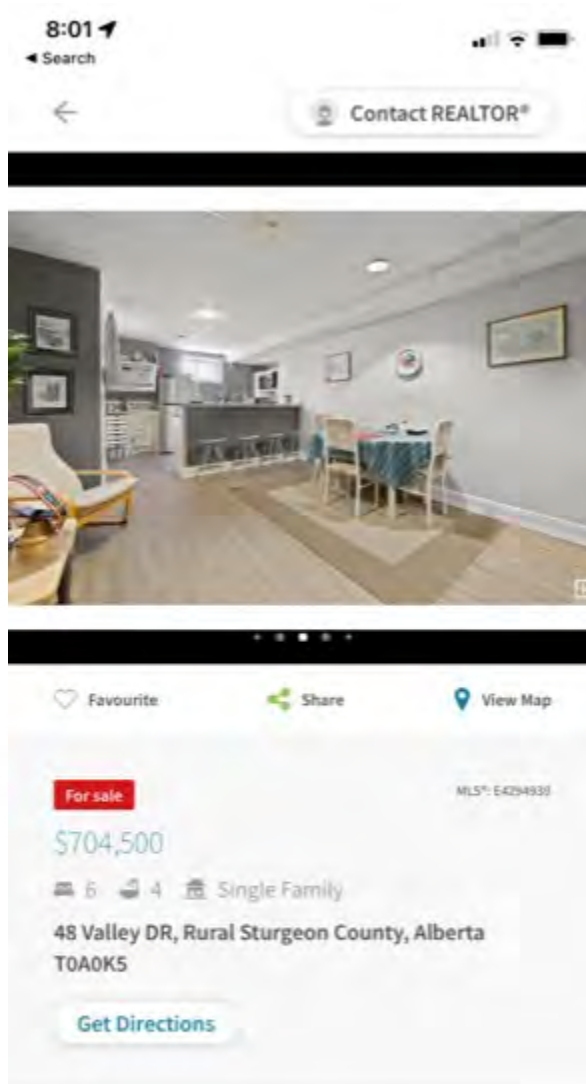
Neighbourhood name: **Sturgeon Valley Vista**

Land size: **3.08 ac**

Parking type: **Attached Garage, Heated Garage, Oversize**

**General Description**

HEAVEN ON EARTH!! Wow! This spectacular acreage has 3.08 acres WITH CITY WATER!! The 2596 sq. ft. home has SIX BEDROOMS. The main floor has NEWER MAPLE KITCHEN with large island and stainless appliances. Welcome your guests in the foyer and adjacent dining room and flex room. Main family room with fireplace also on main floor with access to large deck. Master bedroom on main floor with 5 piece ensuite. Work at home in main floor den. Second level has three large bedrooms WITH VIEWS OF VALLEY and 5 piece bathroom. **BASEMENT HAS FULL IN-LAW SUITE with complete kitchen, dining area, family room, TWO BEDROOMS, and full bathroom.** Basement has separate entrance! Large, oversized double garage AND SHOP. Outdoor dog kennel. SPECTACULAR CURB APPEAL WITH TREE-LINED LOT! Golf, schools, nearby. (28728132)



**Property Information**

← 48 Valley DR, Rural Sturgeon County,...



Contact REALTOR®

### Details

#### Building

#### Rooms

##### Main level

- Living room: 4.24 m x 3.43 m
- Dining room: 4.24 m x 3.42 m
- Kitchen: 5.22 m x 4.13 m
- Family room: 4.32 m x 5.49 m
- Den: 3.14 m x 3 m
- Primary Bedroom: 5.16 m x 3.67 m

##### Basement

- Bedroom 5: 3.16 m x 3.43 m
- Bedroom 6: 4.14 m x 4.02 m
- Breakfast: 4.02 m x 2.32 m
- Second Kitchen: 3.93 m x 3.21 m
- Recreation room: 5.22 m x 6.95 m

##### Upper Level

- Bedroom 2: 5.65 m x 3.66 m
- Bedroom 3: 5.64 m x 3.63 m
- Bedroom 4: 4.39 m x 3.54 m

#### Land

Data provided by: REALTORS® Association of Edmonton

**Property #2 for sale: Legal Garage Suite in Sturgeon Valley Vista**

16 55517 RGE RD 240, Rural Sturgeon County, Alberta T5E5S7

10:46  
Search  
REALTOR.ca

Hewitt Estates  
1.19M

1 listing  
Newest

Listings Favourites REALTORS Menu



Contact REALTOR®

Neighbourhood name: **Sturgeon Valley Vista**

Land size: **3.05 ac**

Parking type: **Heated Garage, Attached Garage, RV**

## General Description

Welcome to your dream home at 16 Abbey Dr with RENOVATIONS GALORE & designed for multi generations & is mobility friendly featuring an elevator! Spacious & bright throughout with NEW triple pane vinyl windows. Open concept main floor living area includes engineered bamboo hardwood flooring, sunroom with vaulted ceiling & freestanding wood burning FP. Custom kitchen with brkft bar, quartz countertops, apron sink, custom pullouts etc, built in office space off the DR that adjoins the LR with electric FP & custom book ends. Down the hall is the Primary suite with a large walk through closet to spa ensuite with dble shower & heated floors. 2 other good size Bdrm's, main full bthrm & laundry rm complete this level. Walk-out basement hosts a huge rec/games room with wet bar, 2 brms's, hobby/flex/office rm, vinyl plank floors & bthrm featuring roll in shower. Oversized quad garage with heated floors, 220V, 2pc bthrm, and LEGAL BACHELOR SUITE above with full kitchen, bthrm & laundry. 25X60 Quonset with 220V. Central A/C. (28910081)

## Details

July 06, 2022

Kayla and Josh Onushko  
16-23516 Twp Rd 560

Severed in line with Section 17 of the FOIP Act

Dear Subdivision and Development Appeal Board,

**RE: Stefanie and Michael Blossom Shop Addition**

It is our pleasure to write a support letter for the proposal of a shop with suit addition on the property belonging to Stefanie and Michael Blossom.

Hewitt Estates is growing more with younger couples and families who want to make acreage living their forever home. This shop build should be granted to add value to the property and improve the homeowners lives. We understand that an individual in our community has voiced concern over this project. However, there will be no direct impacts to neighbours and there will be no environmental impacts; no trees or areas of this community's ecosystem will be harmed, and if anything it will help reduce any unwanted theft with equipment being put away, and the yard staying clean looking. The suit will not be rented out as an income property, it will only be used for family to stay to help out with their future growing family. The shop and suit addition will be a great benefit to their property.

In conclusion, we fully support this project, it is a great opportunity to make improvements and spruce up this mature community.

Yours Truly,

Kayla and Josh Onushko

To whom it may concern:

My wife Dani and I live at 18 Benjamin road in Hewitt Estates. We received a notification of appeal letter from the county regarding the building of a garage with a suite above it at our neighbours property this summer. We just wanted to express that we completely support the decision to build. We do not feel like it would negatively affect the lifestyle of ourselves or anybody in the area in any way. We have talked to the Blossom's on numerous occasions and they are very polite and respectful people who are always kind and their parents that are planning to be utilizing the space are the same way. Having parents nearby for childcare, help around the property, etc would be an amazing benefit. We believe new construction in a slightly older neighbourhood would revitalize the area in a positive way also. There is no reason that we can think of to not allow the construction to proceed.

Kevin and Danielle Keller

Severed in line with Section 17 of the FOIP Act

July 06, 2022

Carla Williams  
AKA Development officer  
Sturgeon County planning  
Morinville, Alberta.

Carla:

Regarding your letter dated June 10, 2022  
Development Permit Approval notification  
# 305305-22-D0158

We do not have any objection  
to our next door neighbors Stefanie  
Steele and Mike Blossum building an  
accessory building on their property  
772013; 4, 7 Hewitt Estates, address  
22-23516 TWP Rd 560 next door to 24-23516  
TWP Rd 560 Hewitt Estates Sturgeon  
County Alberta.

June Iwaschuk

Drest: Iwaschuk

Severed in line with Section 17 of the FOIP Act

**ADJACENT  
LANDOWNER  
WRITTEN  
SUBMISSIONS**



Subdivision and Development Appeal Board  
Sturgeon County  
9613-100 Street, Morinville, AB T8R 1L9

RE: 7220113; 4; 7 Hewitt Estates 22-23516 Twp Rd 560

July 14, 2022

To Whom It May Concern:

As a neighbour adjacent to this property we have received a proposed development approval notification for the construction of a garage suite with a height variance. This property is across the road from our home. We have taken careful consideration of this request as we value both this subdivision and acreage living; have been in our home for over 10 years.

We are comfortable with this proceeding, specifically for the reasons outlined in the permit conditions. Namely that there is a limit of one accessory dwelling per principal dwelling, it is limited in size (cannot exceed 1,237ft) and it would not be able to be separated from the principal dwelling via subdivision. Further, as this is a garage suite with living quarters above we also feel more comfortable with this option as opposed to it being a separate home.

Please accept this letter as support for the continued approval of the development permit. We are not in support of the appeal received via mail June 27, 2022.

Please feel free to contact us with any further questions.


Sincerely,

Derek and Carly Rigler  
23-23516 Twp Rd 560

# Appeal #2

022-STU-011 Appealing the  
Development Authority's refusal to  
leave an existing accessory building as  
built with a variance to the side yard  
setback.

### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>		
Municipal Address of site: 313 23229 S. H. 6 51		
Legal land description of site: PLAN 782 0387 ('plan, block, lot' and/or LET 3 BLOCK 3 'range-township-section-quarter')		
Development Permit number or Subdivision Application number: 305305-22-00166		
<b>Appellant Information:</b>		
Severed in line with Section 17 of the FOIP Act		
Name: CRAIG KALENCHUK	Phone:	Agent Name: (if applicable)

(Please note that for multiple appeals you must submit another Notice of Appeal)

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

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

THIS BUILDING IS 40 YRS. OLD. THE BIG ERROR IS MY MISTAKE BECAUSE I WAS UNDER THE IMPRESSION THAT LEANTOS WERE EXEMPT. I WAS WRONG. THIS GARAGE IS ANGLED TO THE PROPERTY LINE RESULTING IN ONLY A SMALL CORNER OF THE BUILDING BEING AGAINST THE SET BACK VARIANCE. THE BUILDING IS OF NEAT FINISH AND NO OBJECTIONS FROM NEIGHBORS

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 of your information, please contact the Municipal Clerk at 9613-100 Street, Morinville, Alberta, T8R 1L9 (780) 939-4321.

Signature of Appellant	Date: June 23/22
SDAB Appeal Number:	id: Hearing Date: YYYY/MM/DD
<input type="checkbox"/> Yes <input type="checkbox"/> No	

## APPEAL SUBMISSION INFORMATION

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

## FILING INFORMATION

### MAIL OR DELIVER TO:

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

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

## APPEAL PROCESS

### Who can appeal?

#### Subdivision appeals:

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

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

#### Development appeals:

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

#### For further information:

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

Phone: 780.939.4321

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



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

KALENCHUK, CRAIG A. & PATRICIA  
 313 23229 SH 651

Receipt Number: 202204036  
 GST Number: 107747412RT0001  
 Date: 2022-06-23  
 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>
			Mc: \$100.00	
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	

June 27, 2022

SDAB File Number: 022-STU-011

Dear Craig Kalenchuk:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property: Plan 7820387; 3; 3 Pinewood Estates  
Decision Regarding Proposed Development: To leave an existing accessory building as built 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 June 23, 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 **July 19, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 204 271 643#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than July 14, 2022.

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

Should you require further information, call 780-939-8279 or email [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

Lisa Schovanek  
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.*

June 27, 2022

SDAB File Number: 022-STU-011

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 7820387; 3; 3 Pinewood Estates

Decision Regarding Proposed Development: To leave an existing accessory building as built with a variance to the side yard setback.

**Appellant / Applicant: Craig Kalenchuk**

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

- The building is 40 years old;
- The garage is angled to the property line, resulting in only a small corner of the building being against the setback variance;
- The building is of neat finish;
- There have been no objections from the neighbour.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 19, 2022 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 204 271 643#. This should connect you directly into the hearing.

**Why am I receiving this information?**

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) at least five (5) days prior to the hearing date and must include your current email address. Therefore, written submissions are due to be submitted no later than July 14, 2022.

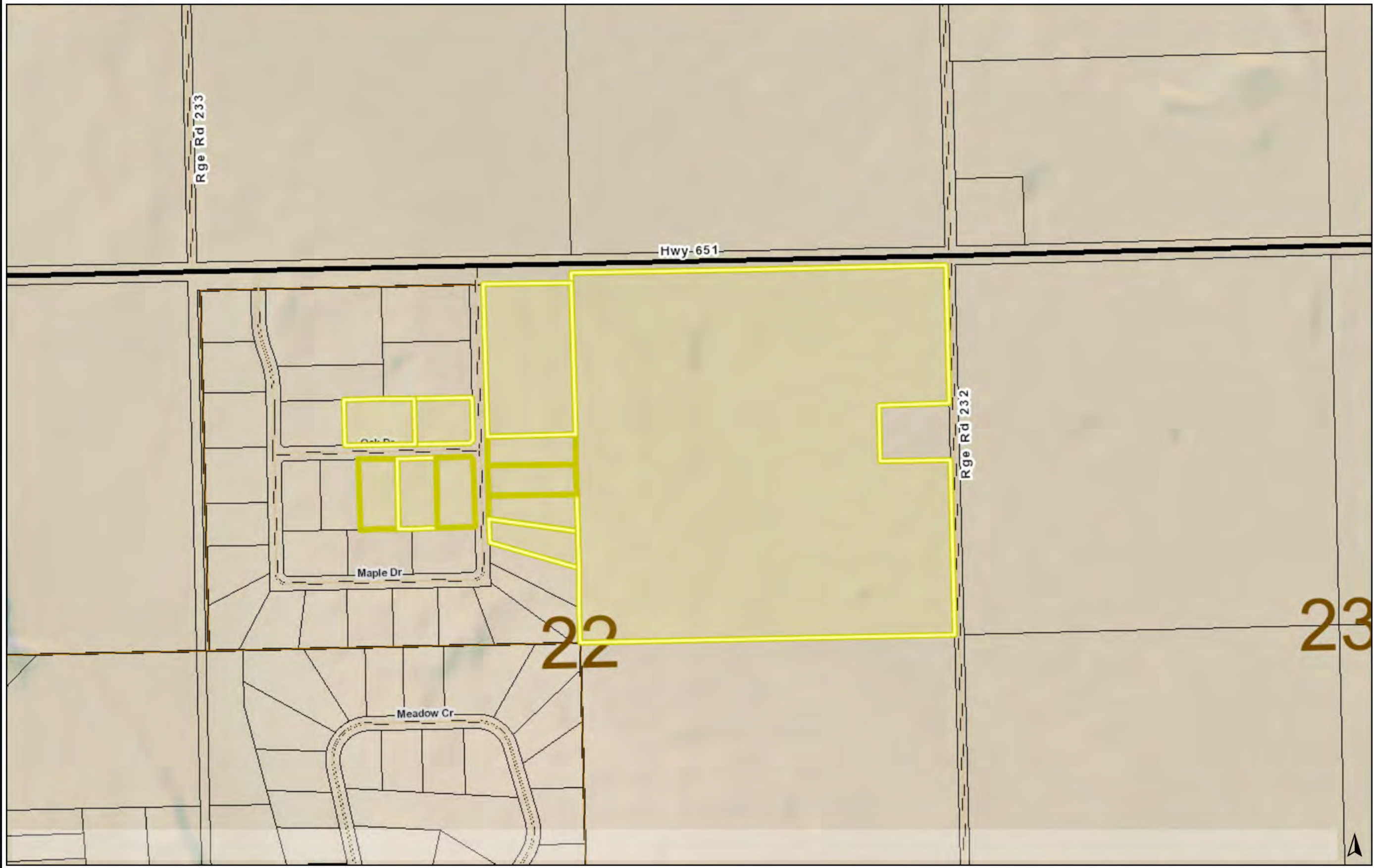
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For further information, please call 780-939-8279 or by email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca).

Lisa Schovanek  
Secretary, Subdivision and Development Appeal Board

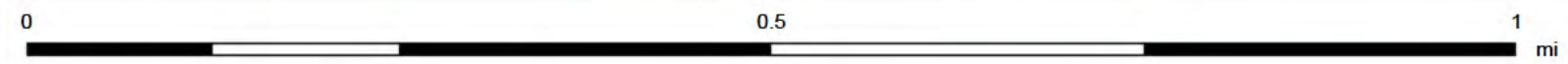
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**Legend**

- Parcel
- Provincial Highways
  - Province
- County Roads
  - Local Road, Gravel
- Community Labels
- Community Boundary
- Parcel
- Hillshade12 (Map Service)
- Municipal Boundary



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

## Subdivision and Development Appeal Hearing Process

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

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

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

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

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

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

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

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



**Planning and Development**

9613-100 Street

Morinville, AB T8R 1L9

Phone (780) 939-8275

Fax (780) 939-2076

Email: [PandD@sturgeoncounty.ca](mailto:PandD@sturgeoncounty.ca)

**Notice of Refusal Letter**

Date: Jun 22, 2022

Permit Number: 305305-22-D0166

To: Kalenchuk, Craig

Severed in line with Section 17 of the FOIP Act

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-22-D0166 to leave an existing accessory building as built with a variance to the side yard setback was refused on Jun 22, 2022.

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

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

Yours truly,

A handwritten signature in black ink, appearing to read "Yvonne Bilodeau".

Yvonne Bilodeau  
Development Officer

---

**Development Permit**

**Land Use Bylaw 1385/17**

---

Permit No.:	305305-22-D0166
Tax Roll No.:	1484017
Decision Date:	Jun 22, 2022
Effective Date:	Jul 13, 2022

---

Severed in line with Section 17 of the FOIP Act

**Applicant**

Name: Kalenchuk, Craig  
Address:

Phone:  
Cell:  
Email:

**Owner**

Name: Kalenchuk, Craig  
Address:

Phone:  
Cell:  
Email:

---

**Property Description**

**Legal Land Description:** 7820387; 3; 3 Pinewood Estates  
**Land Use Description:** Country Residential District  
**Rural Address:** 313 23229 SH 651

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**Description of Work**

To leave an existing accessory building as built with a variance to the side yard setback

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**Fees**

Discretionary Use / Variance Request	\$250.00
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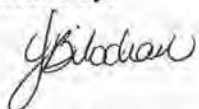
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The application is **REFUSED** for the following reasons:

1. Section 12.1.4 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 1.68m(5.51ft). Therefore, the requested variance is 1.32m(4.33m) or 44%.
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 R1-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 [lpvt.appeals@gov.ab.ca](mailto: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](mailto:legislativeservices@sturgeoncounty.ca) or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made at 780-939-4321

# Alberta Land Surveyor's Real Property Report

**LEGEND**

1. IRON POSTS FOUND ARE SHOWN THIS .....
2. IRON BARS FOUND ARE SHOWN THIS .....
3. FENCES NOT SURVEYED AND ARE NOT SHOWN
4. EAVES ARE DIMENSIONED TO THE LINE OF THE FASCIA AND SHOWN THIS ..
5. ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
6. DIMENSIONS SHOWN ARE TO THE GREATEST EXTENT OF EXTERIOR WALLS OF THE BUILDINGS AND ARE PERPENDICULAR TO THE PROPERTY LINE UNLESS SHOWN OTHERWISE.
7. THIS PLAN IS PAGE 2 OF A REAL PROPERTY REPORT AND IS INEFFECTIVE IF IT IS DETACHED FROM PAGE 1.
8. UNDERGROUND UTILITIES NOT LOCATED

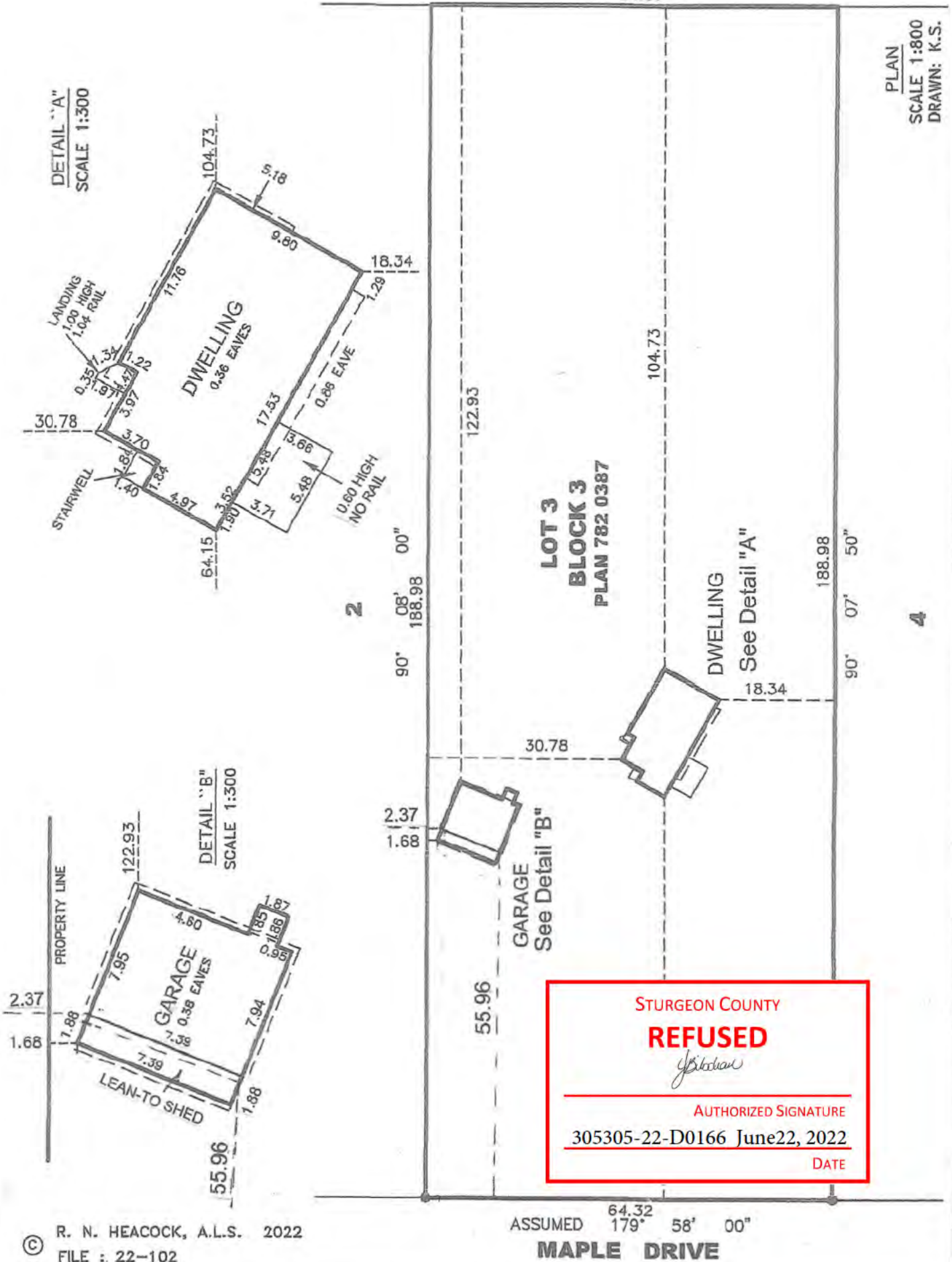


FIREPLACE - CONCRETE - STEP - BAY WINDOW - B/W RIGHT OF WAY - R/W

**N.E. 1/4 SEC. 22-57-23-4**

179° 58' 00"  
64.31

PLAN  
SCALE 1:800  
DRAWN: K.S.





STURGEON COUNTY

**REFUSED**

*J. Johnson*

AUTHORIZED SIGNATURE

305305 22-D0166    June 22 2022

DATE



# PLANNING AND DEVELOPMENT SERVICES REPORT

**Subdivision & Development Appeal Board  
File Number 22-STU-011**

**FILE INFORMATION**

Department File:	305305-22-D0166
Legal Land Description:	Lot 3, Block 3, Plan 7820387
Relative Location:	Pinewood Estates
Appellant:	Kalenchuk, Craig
Landowner:	Kalenchuk, Craig
Description of Appeal:	Appealing the decision of the Development Authority, Refusal to leave the existing accessory building as built with a variance to the side yard setback
Land Use Bylaw District:	R1 – Country Residential District
Tax Roll Number:	1484017

**BACKGROUND**

- A compliance certificate application was received in May 2022 where the Real Property Report revealed the accessory building was not in compliance with the minimum side yard setback of 3m(9.8ft).
- The original accessory building received approval, however the addition of a lean to did not receive approval.
- The accessory building is located 1.68m(5.51ft) from the side property line and requires a variance of 1.32m(4.33ft) or 44%.
- 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 June 23, 2022.

**PROPERTY INFORMATION**

- Permit 90-80 development (building) permit was issued to construct a dwelling with attached garage.
- Permit 93-87 development (building) permit was proposed and issued to construct the accessory building at 6m(20ft) from the side property line.
- The parcel is 0.20 acres(0.08ha) in area.

**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
R1– Country Residential	0.1 – 19.9%	20.0 – 40%

**SECTION 12.1 R1 – COUNTRY RESIDENTIAL DISTRICT**

.4 Development Regulations

Minimum front yard setback	<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)
Minimum side yard setback	<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)
Minimum rear yard setback	<i>Principal building</i>	6m (19.7ft)
	<i>Accessory building</i>	3m (9.8ft)
Maximum height	<i>Principal building</i>	12m (39.4ft)
	<i>Accessory building</i>	8m (26.2ft)
Maximum floor area	<i>Accessory building</i>	230m <sup>2</sup> (2,475.7ft <sup>2</sup> )
Maximum parcel coverage		15%

**ANALYSIS**

- The development permit application was refused in accordance with the regulations of the Land Use Bylaw 1385/17 as stated above.
- The appellants reasons for appeal are:
  - The building is 40 years old;
  - The error is my mistake because I thought a lean-to was exempt;
  - The garage is angled to the property line, resulting in only a small corner of the building being against the setback variance;
  - The building is of neat finish;
  - There have been no objections from the neighbour.
- The accessory building was not constructed as approved by permit 93-87 which was proposed at 6m(20ft) from the side property line and at dimensions of 7.3m x 7.9m.

- Regardless of whether the developments were constructed separately or together, the variance would still have been required as the distance to the garage foundation is only 2.37m. Additions to accessory building require development and building permits.
- Referral to internal departments was not required as the development does not affect any infrastructure.
- A separate building permit will be required should the appeal be granted.
- There are mature trees along the adjacent property line, softening some of the impact of the side yard setback encroachment.
- Leaving the accessory building as constructed 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 said development permit in keeping with Sturgeon County's Land Use Bylaw 1385/17 regulations. However, should the Board not uphold the appeal, the accessory building would have to be moved to meet the minimum setbacks or be removed from the property.

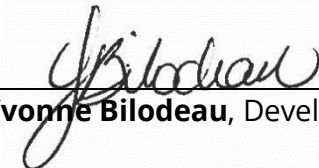
Or

The Board could choose to uphold the appeal and grant a variance to leave the existing accessory building as built with a variance to the side yard setback, subject to the following conditions as recommended by Administration.

1. A variance is granted from the minimum setbacks of 3m(9.8ft) as shown on the Rear Property Report dated April 29<sup>th</sup>, 2022 signed by RN Heacock:  
Side yard 1.68m(5.51ft) a variance of 44%
2. A separate building permit shall be obtained. Minimum construction standards will conform to the requirements of the current Alberta Building Code.

## ATTACHMENT(S)

- Permit 93-87  
Prepared By:



**Yvonne Bilodeau**, Development Officer

Reviewed By:

**Tyler McNab**

Digitally signed by Tyler McNab  
Date: 2022.07.08 11:12:00 -06'00'

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



FORM A-1

# DEVELOPMENT PERMIT APPLICATION

under

## LAND USE BY-LAW NO. 388/81

### Municipal District of Sturgeon #90

9601 - 100 Street, Morinville, Alberta T0G 1P0 — Phone: 939-4321 or 423-3047

Severed in line with Section 17 of the FOIP Act

Date Aug 17 19 87

I/WE CRAIG KALENCHUK Telephone No. [redacted]

of [redacted]

for a DEVELOPMENT (BUILDING) PERMIT in accordance with the provisions of the above mentioned by-law to carry

out the erection alteration of GARAGE

to be used for the purpose of KEEPING VEHICLES on

All/Part  $\frac{1}{4}$  N.W. Section 22 Township 57 Range 23 W 4<sup>TH.</sup>

Plan 782 0387 Block 3 Lot 3 within the municipal District of Sturgeon #90.

Hamlet or Subdivision PINEWOOD ESTATES Parcel Size 200 x 600<sup>3 acres.</sup>

#### PARTICULARS CONCERNING BUILDING

Description of operations (Residential-Industrial-Commercial-Agricultural) RESIDENTIAL

Commencement Date SEPT 1/87 Estimated Completion Date UNKNOWN (1988)

Any other dwellings on parcel? YES. If second dwelling state purpose GARAGE.

Size of Building 24' x 26' No. of Floors 1 No. of Bathrooms 0

Type of Foundation SLAB Type of Heating NIL Fireplace ---

Exterior Wall Finish STUCCO Type of Roof Covering ASPHALT SHINGLE

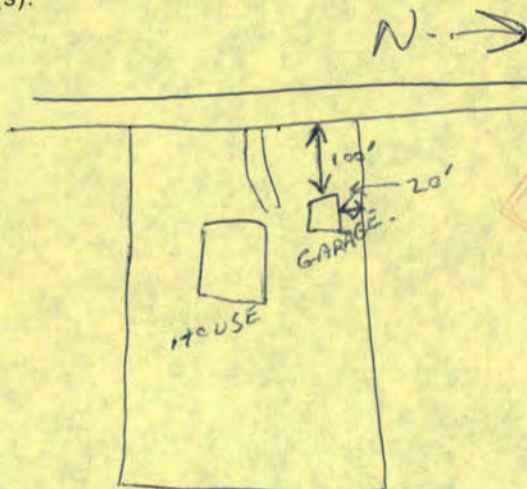
Estimated Cost of Construction (Purchase Price) \$ [redacted]

IF THIS BUILDING IS A MOBILE HOME: 1) Are you the owner of the parcel? ---

2) Year of Mobile Home ---

#### SITE PLAN

Please draw a site plan in the space below, showing: a) location of road, b) distances from front property line, nearest side property line, and rear property line, c) location(s) of any existing building(s).



Severed in line with Section 17 of the FOIP Act

Name of Contractor \_\_\_\_\_ Fee 15.00 Receipt # 7108

Contractor's Address \_\_\_\_\_ [redacted]

**PERMIT FEES ARE NON-REFUNDABLE**

Application No. 93-87

# APPLICATION NOTICE OF DECISION FOR DEVELOPMENT (BUILDING) PERMIT



## under LAND USE BY-LAW NO. 388/81

### Municipal District of Sturgeon #90

9601 - 100 Street, Morinville, Alberta T0G 1P0 — Phone: 939-4321 or 423-3047

APPLICATION NO. 93-81

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RDA (X)	30 NEF (✓)	Easements ( )
	1/2 mile of Hwy (✓)	Water/Sewer (WA)

The above application has been examined as to its compliance with Land Use By-law 388/81 and resolutions passed thereunder and is

APPROVED SUBJECT TO THE FOLLOWING/REFUSED FOR THE FOLLOWING REASONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLUMBING: All plumbing systems shall be installed in accordance with Provincial Plumbing Regulations. All sewage disposal systems must comply with Department of Health Regulations. Where applicable, a copy of the Provincial permit for septic systems and field shall be filed with the Municipal District prior to occupancy.

ELECTRICAL: Electrical installation shall meet the requirements of the current edition of the Canadian Electrical Code.

BUILDING STANDARDS: Alberta Building Standards — Latest Edition.

Date of Decision Sept. 3/87

Date of Permit (if approved) Sept. 3/87

Permit Expiry Date As per Bylaw 388/81

Mike Daniels  
Development Officer

WHERE AN APPEAL ON A PERMIT GRANTED PURSUANT TO THIS BY-LAW CAN BE CONSIDERED BY THE DEVELOPMENT APPEAL BOARD, THE PERMIT GRANTED DOES NOT COME INTO EFFECT UNTIL FIFTEEN DAYS AFTER THE DATE AN ORDER, DECISION OR DEVELOPMENT PERMIT IS ISSUED, AND FOR ANY DEVELOPMENT PROCEEDED WITH BY THE APPLICANT PRIOR TO THE EXPIRY OF THIS PERIOD IS DONE SOLELY AT THE RISK OF THE APPLICANT.

**PERMIT FEES ARE NON-REFUNDABLE**

# 022-STU-11

Development Authority Report

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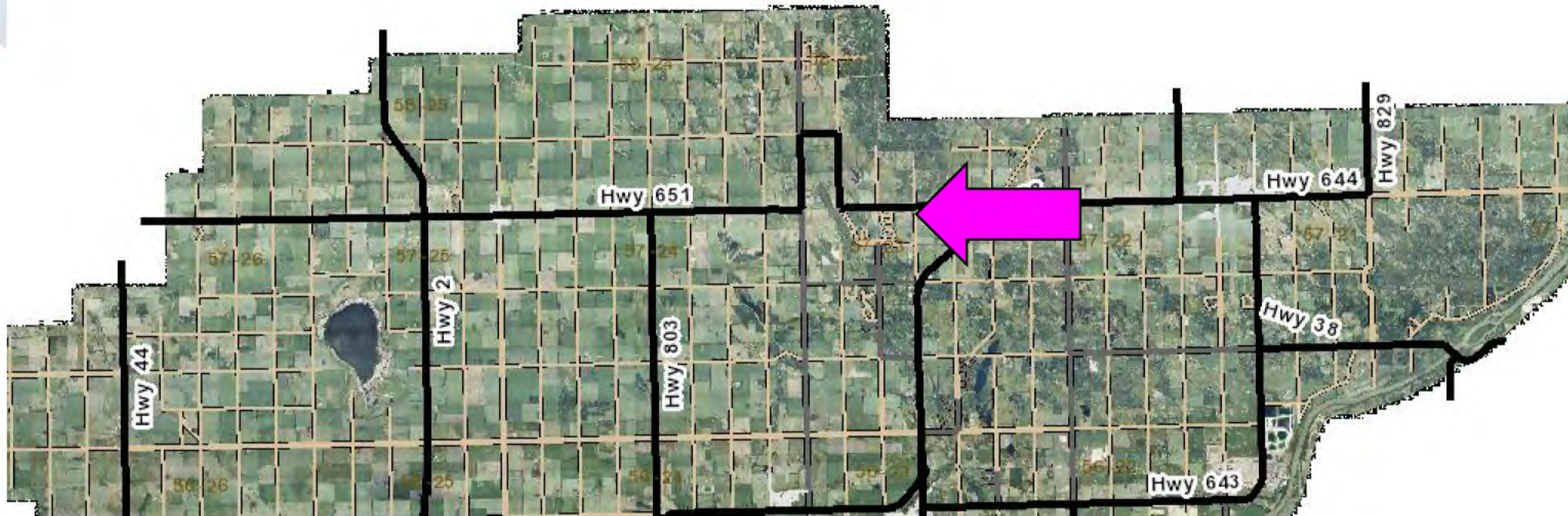
2022-07-19



Sturgeon  
C O U N T Y

# Site Location (Pinewood Estates)

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# Site Location

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# Property Information

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313, 23229 Hwy 651

Lot 3; Block 3; Plan 7820387

- 3 ha in size
- R1 – Country Residential District
- Development Permits
  - Permit 90-80 – Single Detached Dwelling
  - Permit 93-87 – Accessory Building



# Background

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- May 9, 2022 - Real Property Report submitted for compliance
- May 13, 2022 - Statement of Non-compliance issued due to accessory building being located too close to side property line
- June 22, 2022 - Development and Variance Application Refused.
- June 23, 2022 - Appeal received.

# 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 12.1 R1 – Country Residential District

Minimum front yard setback	<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)
Minimum side yard setback	<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)



# Analysis

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Photo



# Conclusion

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## Recommendation

The Board could support the decision of the Development Authority to refuse said development permit in keeping with Sturgeon County's Land Use Bylaw 1385/17 regulations. However, should the Board not uphold the appeal, the accessory building would have to be moved to meet the minimum setbacks or be removed from the property.

Or

The Board could choose to uphold the appeal and grant a variance to leave the existing accessory building as built with a variance to the side yard setback, subject to the following conditions as recommended by Administration.

A variance is granted from the minimum setbacks of 3m(9.8ft) as shown on the Rear Property Report dated April 29<sup>th</sup>, 2022 signed by RN Heacock:

1. Side yard      1.68m(5.51ft) a variance of 44%
2. A separate building permit shall be obtained. Minimum construction standards will conform to the requirements of the current Alberta Building Code.

# 022-STU-11

Development Authority Report

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2022-07-19



**APPELLANT  
SUBMISSIONS  
RECEIVED**

STURGEON COUNTY DEVELOPEMENT APPEAL BOARD

File # C-24-2022

RE: Non-compliance of set-back variance.

Good day, my name is Craig Kalenchuk.

I appeal to this board to permit me to leave an accessory building as is within the set-back variance.

I am the original owner of this property since the subdivision was established. Thus I have no Real Property Report, and my desire to obtain such, has resulted in us being here today.

The survey I commissioned showed my non-compliance with the set-back variance.

This garage was built about 1985 and has the appropriate building permit. Unfortunately, my concrete contractor poured the pad erroneously, causing the garage to have a set-back of 2.37 meters or a 21% non-compliance. Please note that this garage is angled to the property line and this 21% results in a total area of .63 meters squared infringement. Please see document #1 and note the area denoted in yellow. Please note that the measurements and angles on document #1 are a direct enlargement of document #2.

Subsequently, a year or so later, I added a lean-to addition. Enquiring about a permit the county instructed me that lean-tos were exempt from permits and taxation.

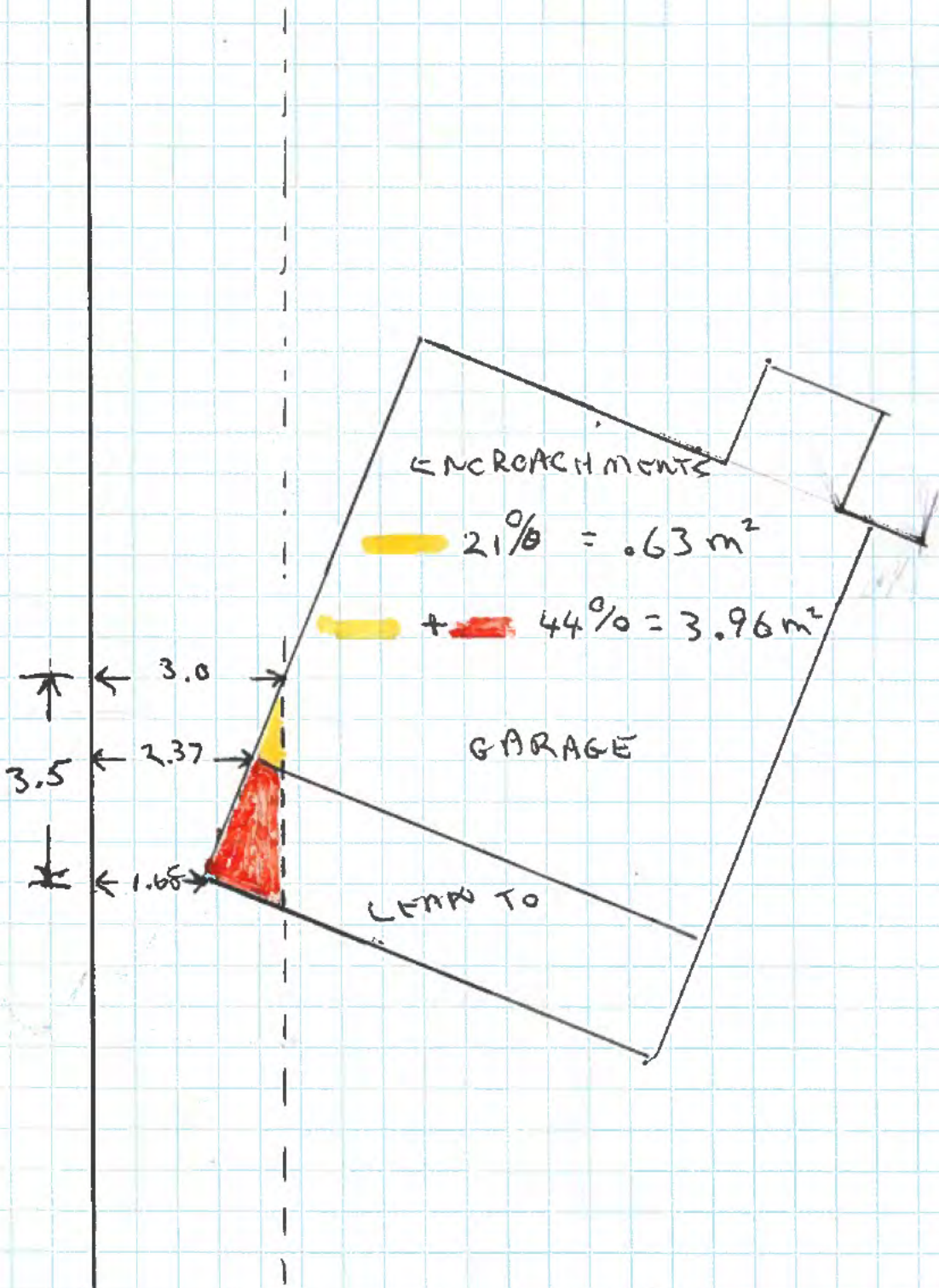
This is where I erred and assumed lean-tos did not need to meet the variance requirements as well.

The set-back variance now calculated from the corner of the lean-to is 1.68 meters or 44%. Again I point out that the building is angled to the property line. The area of the building that is in non-compliance is 3.96 meters squared. Please note document #1 and see the combined yellow and orange areas showing the total area of non-compliance of this building.

This building is of sound construction finished in stucco and aluminum trim and kept in good tidy order. Please see photo #1. It is separated from the existing neighbour by a one meter board fence and a tree line and lawn. Please see photos #2 & 3. This building is only visible by my north neighbour as the frontage of the property is forested preventing any view. Please see photo #4.




I hope you will allow this structure to remain as is and I thank-you for your time today.

# AREA OF ENCROACHMENT SHOWN IN — + —



# Alberta Land Surveyor's Real Property Report

## LEGEND

1. IRON POSTS FOUND ARE SHOWN THUS 
2. IRON BARS FOUND ARE SHOWN THUS 
3. FENCES NOT SURVEYED AND ARE NOT SHOWN
4. EAVES ARE DIMENSIONED TO THE LINE OF THE FASCIA AND SHOWN THUS 
5. ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
6. DIMENSIONS SHOWN ARE TO THE GREATEST EXTENT OF EXTERIOR WALLS OF THE BUILDINGS AND ARE PERPENDICULAR TO THE PROPERTY LINE UNLESS SHOWN OTHERWISE.
7. THIS PLAN IS PAGE 2 OF A REAL PROPERTY REPORT AND IS INEFFECTIVE IF IT IS DETACHED FROM PAGE 1.
8. UNDERGROUND UTILITIES NOT LOCATED



FIREPLACE -  CONCRETE -  STEP -  BAY WINDOW - B/W RIGHT OF WAY - R/W

N.E. 1/4 SEC. 22-57-23-4

179° 58' 00"  
64.31

PLAN  
SCALE 1:800  
DRAWN: K.S.



2  
90° 08' 00"  
188.98

LOT 3  
BLOCK 3  
PLAN 782 0367

DWELLING  
See Detail "A"

4  
90° 07' 50"  
188.98

ASSUMED 64.32  
179° 58' 00"

MAPLE DRIVE

Photo # 1



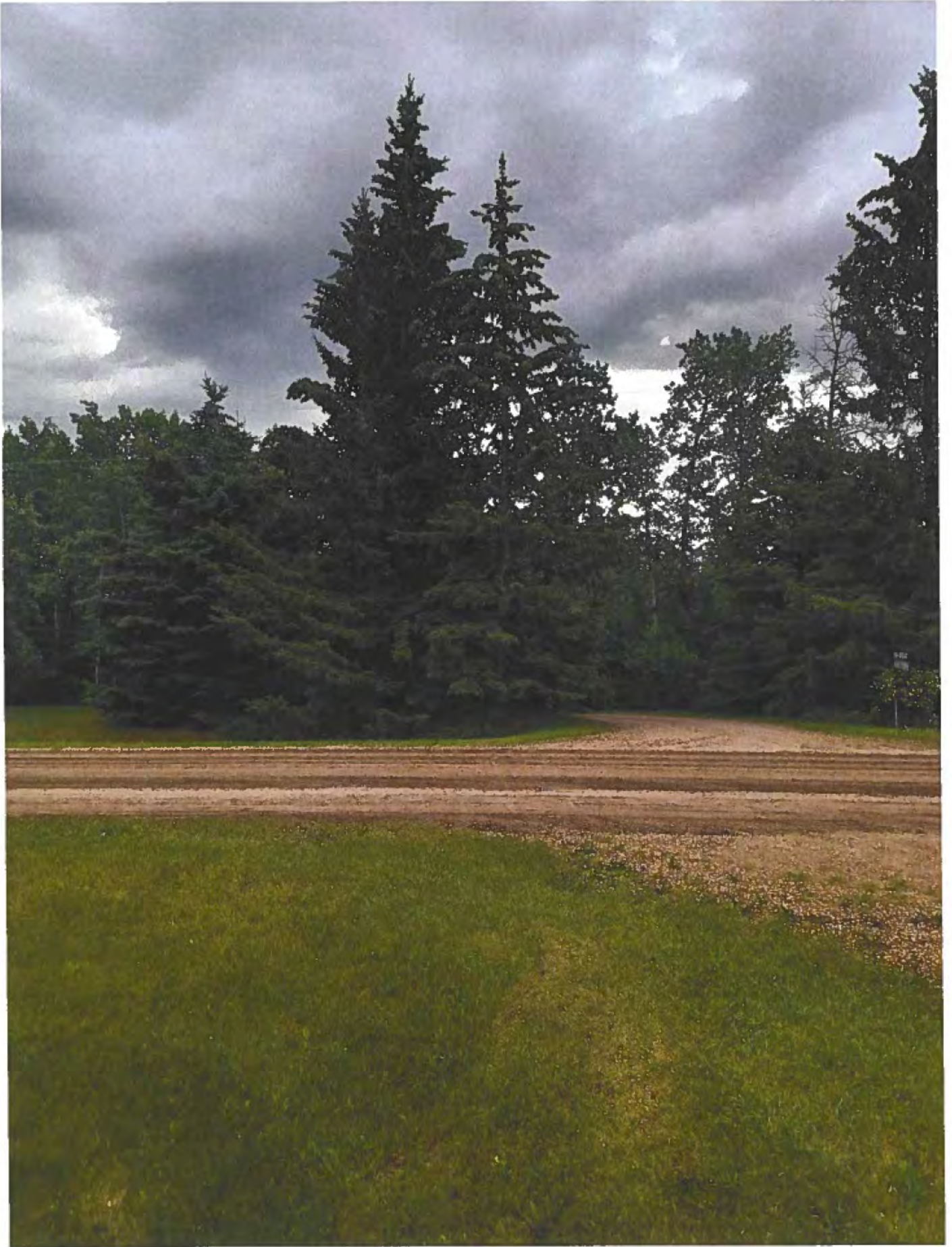
Photo #2



Photo #3



Photo #4





**ADJACENT  
LANDOWNER  
WRITTEN  
SUBMISSIONS**

**Mark and Charlotte Carrette  
311 - 23229 SH 651**

Severed in line with Section 17 of the FOIP Act

**July 11, 2022**

**Sturgeon County Centre  
Planning and Development Department  
9613 - 100 Street  
Morinville, AB T8R 1L9**

**Dear Yvonne Bilodeau or to whom it may concern,**

**We would like to write regarding the building variance approval our neighbours Craig and Pat Kalenchuk are seeking to obtain at 313 - 23229 SH 651, Sturgeon County.**

**We have absolutely no concerns with where their structure sits in relation to our property. It is kept tidy and in good condition. They have always been very diligent in keeping a sightly property, which is much appreciated.**

**If you require anything further, please inform**

**Blessings,**

**Charlotte Carrette**

Severed in line with Section 17 of the FOIP Act