

**JULY 5, 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/Applicant: Marley Broda 022-STU-007<br>Agent: Gary Zimmerman, McLennan Ross | Stop Order         |
| 2.2 | Appellant/Applicant: Marley Broda 022-STU-008<br>Agent: Gary Zimmerman, McLennan Ross | Stop Order         |
| 2.3 | Appellant/Applicant: Marley Broda 022-STU-009<br>Agent: Gary Zimmerman, McLennan Ross | Development Appeal |

**3. ADJOURNMENT**

# Appeal #1

021-STU-007 - Appealing the  
Development Authority's issuance of a  
STOP ORDER DATED APRIL 11, 2022

### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>				
Municipal Address of site:	27414 Twp Rd 544			
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’)	0621672; 1; 1; SE 29-54-27-W4			
Development Permit number or Subdivision Application number:	305305-20-D0183			
<b>Appellant Information:</b>				
Name:	Marley Broda c/o McLennan Ross LLP		Phone: (780) 482-9208 Agent Name: (if applicable) Gary Zimmermann	
Mailing Address:	600, 12220 Stony Plain Road		City, Province: Edmonton, Alberta	
Postal Code:	T5N 3Y4		Email: gary.zimmermann@mross.com	

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

<b>Development Permit</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Subdivision Application</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal
<b>Stop Order</b>	
<input checked="" type="checkbox"/> Stop Order (April 11, 2022)	

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

Please see attached.
(Attach a separate page if required)

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

Signature of Appellant/Agent:	Date:	June 9, 2022
<b>FOR OFFICE USE ONLY</b>		
SDAB Appeal Number:	Appeal Fees Paid:	Hearing Date:
022-STU-007	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	YYYY/MM/DD 2022 July 5

## 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*.
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Phone: 780.939.4321  
Email: [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca)



**Gary Zimmermann**  
gary.zimmermann@mross.com  
Direct 780.482.9208

**Janah Reed, Assistant**  
janah.reed@mross.com  
Direct 780.482.9215

Facsimile 780.733.9709

*PLEASE REPLY TO EDMONTON OFFICE  
SENT BY E-MAIL*

Our File Reference: 20222538

June 9, 2022

PERSONAL AND CONFIDENTIAL

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

Dear Subdivision & Development Appeal Board:

**Re: Stop Order dated April 11, 2022, Stop Order dated May 6, 2022, and  
cancellation of development permit 305305-20-D0183 (the "Permit")  
(collectively the "Orders") with respect to lands legally described as  
Lot1, Block 1, Plan 0621672; SE 29-54-27-W4 (the "Lands")**

We act for Marley Broda with respect to the aforementioned Stop Orders and Permit cancellation. Our client respectfully seeks to appeal the Orders.

**Key Facts:**

On August 20, 2020, the Sturgeon County (the "**County**") granted the Permit with conditions, which approved a Home Based Business – Level Three.

On December 3, 2021, County issued a warning letter to our client indicating that the Lands were not in compliance with the County's Land Use Bylaw 1385/17. In particular, the correspondence required our client to reduce their business

**Edmonton**

600 McLennan Ross Building  
12220 Stony Plain Road  
Edmonton, AB T5N 3Y4  
Telephone 780 482 9200  
Facsimile 780 482 9100  
Toll-free 800 567 9200

**Calgary**

1900 Eau Claire Tower  
600 – 3<sup>rd</sup> Avenue SW  
Calgary, AB T2P 0G5  
Telephone 403 543 9120  
Facsimile 403 543 9150  
Toll-free 888 543 9120

**Yellowknife**

301 Nunasi Building  
5109 – 48<sup>th</sup> Street  
Yellowknife, NT X1A 1N5  
Telephone 867 766 7677  
Facsimile 867 766 7678  
Toll-free 888 836 6684

activities on the Lands to comply with the Permit. Further, our client was to remove all but a maximum of five shipping containers from the Lands.

Our client is of the position that their operations are in full or substantial compliance with the requirements of the Permit. Nonetheless, in the interests of working collaboratively with the County and avoiding conflict, our client maintained continued communication with the County and took notable steps to bring the Lands into compliance with the County's requests, including but not limited to:

- Removal of several shipping containers from the Lands;
- Removal of temporary auxiliary structures from the Lands;
- Reduced the area of business operations and storage to ensure such area did not exceed the requirements of the Permit;
- Maintained the configuration of structure on the Lands;
- Ensured business operations and any associated noise was minimized; and
- Took notable steps to investigate and pursue sites for the relocation of the business operations.

Despite our client's immediate cooperation and affirmative action, the required measures were considerable. Remediation measures must be done in a manner that does not completely compromise the viability of the business and the employees livelihoods.

Evaluating and performing cursory due diligence on potential properties for the relocation of business is a onerous process, which has been complicated by the COVID-19 pandemic and its continued effect on Alberta small businesses.

On April 11, 2022, the County issued a stop order (the "**First Order**") requiring our client to complete four tasks to bring the Lands into compliance with the Land Use Bylaw. The deadline for compliance was May 9, 2022, which provided our with less than one month to bring the Lands into compliance, even though several of the tasks required were considerable such as an application for development and building permits, the downsizing of the operations, and rezoning of the Lands.

Our client engaged in ongoing communication with County and advised of the measures they were proposing to address the compliance concerns. Through these discussions, our client had understood that the County was satisfied with their proposal and our client would be afforded with reasonable and adequate

time to complete the necessary tasks to have the Lands brought into compliance. It was implied that the County would work in good faith and no further sanction or enforcement would be forthcoming.

To our client's surprise, on May 20, 2022, the County issued a second stop order (the "**Second Order**"), which immediately cancelled the Permit and directed to take further action to bring the Lands into compliance by June 10, 2022. There was no correspondence from the County that indicated they intended to abruptly change position.

Pursuant to our client's communications with the County in April and early May, they had permitted the appeal period for First Order to lapse, as they were under the reasonable assumption that the County was in agreement with allowing our client to continue to take good faith efforts to have the lands brought into compliance in accordance with a reasonable commercial timeline.

Our client relied on the County's contradictory information to its detriment. If our client would have been aware that the County sought strict compliance with the deadline in the First Order, they would have submitted a notice of appeal to seek to set aside or vary the First Order. Had it not been for the representations by the County and the false sense of security conveyed during the completion of the appeal period, our client would not have let the appeal period expire. Our client respectfully submit that the County's conduct and the resultant reasonable reliance on the same was a breach of procedural fairness.

As a further complicating factor, on May 31<sup>st</sup>, 2022, Marley Broda gave birth. Ms. Broda is an owner of the Lands and the principle of the business operating on the Lands. As the owner of the business, Ms. Broda will be responsible for the evaluation of relocation sites. These circumstances will further impact our client's ability to bring the Lands into compliance with the Stop Orders.

**Relief Sought:**

Our client's our looking for a reasonable and fair outcome. The requirements of the development permit have been substantially complied with throughout the course of the business operations. Our client has consciously operated the business on the Lands in a manner that would not disrupt or impact neighbouring and adjacent properties. Our client took considerable measures to reduce the scale of their operations in a commercially reasonable manner, all while ensuring a positive working relationship with the County and with no abrupt or reckless measures taken that would unduly impact the livelihoods of their employees.

The conduct on the part of the County after the First Stop Order was issued create a false sense of security for our client, as it was represented by the County that the additional time required by our client to bring the Lands into compliance was acceptable. These circumstances made it reasonable for our client to not take measures to appeal the First Order; however, the abrupt change in position of the County with the issuance of the Second Order and the cancellation of the Permit, after the appeal period for the First Order had expired is a clear breach of procedural fairness and bad faith on the part of the County.

With this in mind, our client respectfully appeals the Stop Orders and asks the Subdivision and Development Appeal Board (the "**SDAB**") to find that:

- our client's operations are in compliance with the Permit; and
- the Orders are invalid.

Or, in the alternative, if the SDAB determines that our client's operations do not accord with the requirements of the Permit:

- vary the Orders to require the Lands to be brought into compliance six (6) months from the date of the SDAB's decision; or
- stay enforcement of the Orders for a period of six (6) months from the date of the SDAB's decision.

It is just and reasonable to allow our client to continue their efforts to downsize the operations and bring the Lands into compliance.

Please note that we expect to provide detailed written submissions in advance of the hearing of this matter.

Yours truly,



GARY ZIMMERMANN

GFZ/jr

20222538 - 4139-2977-5673 v.2



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

MARLEY BRODA - STOPORDER 04/11  
C/O MCLENNAN ROSS LLP 600, 12220 STONY PLA  
EDMONTON, ALBERTA T5N 3Y4

Receipt Number: 202203344  
GST Number: 107747412RT0001  
Date: 2022-06-09  
Initials: PB

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	

## **STOP ORDER**

Pursuant to Section 645  
Municipal Government Act  
R.S.A. 2000, Chapter M-26, As Amended

F20/1348

April 11, 2022

Severed in line with section 17 of the FOIP Act

Broda, Norman and Marley

Email: [REDACTED]

**RE: CONTRAVENTION OF Land Use Bylaw 1385/17  
Lot 1, Block 1, Plan 0621672; Pt SE 29-54-27-W4  
Sturgeon County**

In my capacity as Development Officer for Sturgeon County, I am hereby issuing a **STOP ORDER** pursuant to Section 645 of the Municipal Government Act, with respect to the aforementioned lands.

Sturgeon County's Land Use Bylaw 1385/17, Section 2.1.1(a) Control of Development states: "**no development shall be undertaken within the County unless a development permit has been issued**"; and Section 4.2.2 "**no person shall authorize or undertake any development that is not consistent with the description, specifications or plans that were the basis for issuing a development permit under this Bylaw.**"

Further, Part 17 of the Municipal Government Act and Part 4, Section 4.4 of Sturgeon County Land Use Bylaw 1385/17 allows a Development Authority to issue a Stop Order where a development, land use or use of a buildings is not in accordance with the Municipal Government Act; the Land Use Bylaw; Subdivision and Development Regulation; development permit; development agreement; or subdivision approval.

**THIS STOP ORDER IS ISSUED UNDER THE AUTHORITY OF MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, Chapter M-26, AS AMENDED.**

At present, development on the Lands does not comply with the Land Use Bylaw 1385/17 given:

1. A development permit nor building permit has been issued for the three accessory buildings (fabric quonsets).
2. A development permit nor building permit has been issued for the trailers being used for the business.
3. Permit 305305-20-D0183 was issued for a Home Based Business Level Three – Carpentry Services. The current activity on the lands is not conducive to a carpentry business; exceeds the allowable exterior storage; the storage is not screened from roads; exceeds the number of employees; is not operating within the specified hours of operation; and is affecting the use, enjoyment or value of neighboring or adjacent properties.
4. The number of shipping containers on the property exceeds the maximum of 5 permitted for AG Major parcels without a development permit.

Accordingly, you are hereby ordered to stop the unauthorized development and use of aforementioned lands and comply with the Land Use Bylaw 1385/17 by:

1. **Applying for development and building permits for all accessory buildings; and**
2. **Downsizing the business and applying for a new development permit for a home-based business.  
Alternatively, applying for rezoning to accommodate the existing business; and**
3. **Removing the shipping containers from the parcel to a maximum of five (5) or applying for a development permit for more than five (5).**

**All by May 9, 2022.**

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, then written notice of appeal, containing reasons, together with the applicable fee of \$100.00 must be received by the Secretary of the and Development Appeal Board within twenty one (21) calendar days of receipt of this Order:

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

Please be advised that the Municipality has the authority to put the costs and expenses for carrying out this Stop Order on the tax roll for the Lands pursuant to Section 553(1)(h.1) of the Municipal Government Act.

If you do not comply with this Stop Order, Sturgeon County may, under the provisions of Sections 646(1) and 542 of the Municipal Government Act, R.S.A., 2000, Chapter M-26, as amended:

- Enter onto the land and take such action necessary to carry out the order under the provisions of Sections 646(1) and 542 of the Municipal Government Act, and/or
- Obtaining a permanent and mandatory injunction from the Court of Queen's Bench pursuant to section 554 of the *Municipal Government Act*; and/or
- Issue a provincial violation ticket with a minimum fine of \$1,000 and an additional fine for every calendar day the offence continues, under the provisions of Section 4.5 of Land Use Bylaw 1385/17, as amended

Yours truly,  
STURGEON COUNTY  
Per:



Yvonne Bilodeau  
Development Officer

Cc: Travis Peter, General Manager – Development and Strategic Services  
Matthew McLennan, Councillor Division 3

# Appeal #2

021-STU-008 - Appealing the  
Development Authority's issuance of  
a STOP ORDER DATED MAY 20, 2022



### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>		 JUN 09 2022  Date Received Stamp	
Municipal Address of site:			
27414 Twp Rd 544			
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’) 0621672; 1; 1; SE 29-54-27-W4			
Development Permit number or Subdivision Application number:			
305305-20-D0183			
<b>Appellant Information:</b>			
Name:		Phone:	Agent Name: (if applicable)
Marley Broda c/o McLennan Ross LLP		(780) 482-9208	Gary Zimmermann
Mailing Address:		City, Province:	
600, 12220 Stony Plain Road		Edmonton, Alberta	
Postal Code:		Email:	
T5N 3Y4		gary.zimmermann@mross.com	

**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 type="checkbox"/> Refusal
<b>Stop Order</b>	
<input checked="" type="checkbox"/> Stop Order (May 20, 2022)	

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

Please see attached.
(Attach a separate page if required)

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Signature of Appellant/Agent:		Date: June 9, 2022	
<b>FOR OFFICE USE ONLY</b>			
SDAB Appeal Number:	Appeal Fees Paid:	Hearing Date:	
022-STU-008	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	YYYY/MM/DD	2022 July 5

## APPEAL SUBMISSION INFORMATION

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## FILING INFORMATION

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9613-100 Street  
Morinville, AB T8R 1L9

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## APPEAL PROCESS

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**Gary Zimmermann**  
gary.zimmermann@mross.com  
Direct 780.482.9208

**Janah Reed, Assistant**  
janah.reed@mross.com  
Direct 780.482.9215

Facsimile 780.733.9709

PLEASE REPLY TO EDMONTON OFFICE  
SENT BY E-MAIL

Our File Reference: 20222538

June 9, 2022

PERSONAL AND CONFIDENTIAL

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9613 100 Street  
Morinville AB T8R 1L9

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Telephone 867 766 7677  
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activities on the Lands to comply with the Permit. Further, our client was to remove all but a maximum of five shipping containers from the Lands.

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**Relief Sought:**

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- our client's operations are in compliance with the Permit; and
- the Orders are invalid.

Or, in the alternative, if the SDAB determines that our client's operations do not accord with the requirements of the Permit:

- vary the Orders to require the Lands to be brought into compliance six (6) months from the date of the SDAB's decision; or
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Yours truly,



GARY ZIMMERMANN

GFZ/jr

20222538 - 4139-2977-5673 v.2



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

MARLEY BRODA - STOPORDER 05/20  
C/O MCLENNAN ROSS LLP 600, 12220 STONY PLA  
EDMONTON, ALBERTA T5N 3Y4

Receipt Number: 202203345  
GST Number: 107747412RT0001  
Date: 2022-06-09  
Initials: PB

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

## **STOP ORDER**

Pursuant to Section 645  
Municipal Government Act  
R.S.A. 2000, Chapter M-26, As Amended

F20/1348

Severed in line with section 17 of the FOIP Act

May 20, 2022

Broda, Norman and Marley  
[REDACTED]  
[REDACTED]

Email: [REDACTED]

**RE: CONTRAVENTION OF Land Use Bylaw 1385/17  
Lot 1, Block 1, Plan 0621672; Pt SE 29-54-27-W4  
Sturgeon County**

In my capacity as Development Officer for Sturgeon County, I am hereby issuing a **STOP ORDER** pursuant to Section 645 of the Municipal Government Act; and **cancellation of the development permit 305305-20-D0183** with respect to the aforementioned lands.

Sturgeon County's Land Use Bylaw 1385/17, Section 2.12.1 Cancellation of a Development Permit states "**The Development Authority may cancel or suspend a development permit, by written notice in accordance with Part 4 of this Bylaw to the development permit holder, in the case of the following; (a) the application for the development permit contains a misrepresentation; and (d) the proposed development has deviated from the approved drawings; and (e) the applicant fails to comply with a Stop Order as per the Municipal Government Act; and Section 2.1.1(a) Control of Development states: "no development shall be undertaken within the County unless a development permit has been issued"; and Section 4.2.2 "no person shall authorize or undertake any development that is not consistent with the description, specifications or plans that were the basis for issuing a development permit under this Bylaw."**

Further, Part 17 of the Municipal Government Act and Part 4, Section 4.4 of Sturgeon County Land Use Bylaw 1385/17 allows a Development Authority to issue a Stop Order where a development, land use or use of a buildings is not in accordance with the Municipal Government Act; the Land Use Bylaw; Subdivision and Development Regulation; development permit; development agreement; or subdivision approval.

**THIS STOP ORDER AND CANCELLATION OF DEVELOPMENT PERMIT IS ISSUED UNDER THE AUTHORITY OF MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, Chapter M-26, AS AMENDED.**

At present, development on the Lands does not comply with the Land Use Bylaw 1385/17 given:

- 1. The applicant failed to comply with the conditions of the Stop Order dated April 11, 2022.**
- 2. This document serves as notification of cancellation of the development permit 305305-20-D0183 due to a misrepresentation as the business is modifying shipping containers for cryptomining not carpentry, and the development deviated from the approved drawings regarding exterior storage.**



3. A development permit nor building permit has been issued for the three accessory buildings (fabric quonsets).
4. A development permit nor building permit has been issued for the accessory building (trailer/s).
5. The number of shipping containers on the property exceeds the maximum of 5 permitted for AG Major parcels without a development permit.

Accordingly, you are hereby ordered to stop the unauthorized development and use of aforementioned lands and comply with the Land Use Bylaw 1385/17 by:

1. Relocating the business to lands that have the appropriate zoning to allow for Industrial Use. Alternatively, applying for rezoning or development permits for the existing business; and
2. Applying for development and building permits for all accessory buildings, if they should remain; and
3. Removing the shipping containers from the parcel to a maximum of five (5) for storage purposes only or applying for a development permit for more than five (5) for storage purposes only.

**All by June 10, 2022.**

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, then written notice of appeal, containing reasons, together with the applicable fee of \$100.00 must be received by the Secretary of the and Development Appeal Board within twenty one (21) calendar days of receipt of this Order:

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

Please be advised that the Municipality has the authority to put the costs and expenses for carrying out this Stop Order on the tax roll for the Lands pursuant to Section 553(1)(h.1) of the Municipal Government Act.

If you do not comply with this Stop Order, Sturgeon County may, under the provisions of Sections 646(1) and 542 of the Municipal Government Act, R.S.A., 2000, Chapter M-26, as amended:

- Enter onto the land and take such action necessary to carry out the order under the provisions of Sections 646(1) and 542 of the Municipal Government Act, and/or
- Obtaining a permanent and mandatory injunction from the Court of Queen's Bench pursuant to section 554 of the Municipal Government Act; and/or
- Issue a provincial violation ticket with a minimum fine of \$1,000 and an additional fine for every calendar day the offence continues, under the provisions of Section 4.5 of Land Use Bylaw 1385/17, as amended

Yours truly,  
STURGEON COUNTY  
Per:

Tyler McNab  
Program Lead for Development Services

Cc: Travis Peter, General Manager – Development and Strategic Services  
Matthew McLennan, Councillor Division 3

# Appeal #3

021-STU-008 - Appealing the  
Development Authority's issuance  
of a REFUSAL OF DEVELOPMENT  
PERMIT (CANCELLATION) TO  
OPERATE A HOME BASED BUSINESS  
- LEVEL THREE

### SUBDIVISION & DEVELOPMENT APPEAL BOARD

<b>Site Information:</b>				
Municipal Address of site:	27414 Twp Rd 544			
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’)	0621672; 1; 1; SE 29-54-27-W4			
Development Permit number or Subdivision Application number:	305305-20-D0183			
<b>Appellant Information:</b>				
Name:	Marley Broda c/o McLennan Ross LLP	Phone:	(780) 482-9208	
		Agent Name: (if applicable)	Gary Zimmermann	
Mailing Address:	600, 12220 Stony Plain Road		City, Province:	
			Edmonton, Alberta	
Postal Code:	T5N 3Y4	Email:	gary.zimmermann@mross.com	

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

<b>Development Permit</b>	<b>Subdivision Application</b>
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval
<input type="checkbox"/> Conditions of Approval	<input type="checkbox"/> Conditions of Approval
<input checked="" type="checkbox"/> Refusal (Cancellation of Permit)	<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

Please see attached.
(Attach a separate page if required)

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

Signature of Appellant/Agent:	Date:	June 9, 2022
<b>FOR OFFICE USE ONLY</b>		
SDAB Appeal Number:	Appeal Fees Paid:	Hearing Date:
022-STU-009	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	YYYY/MM/DD 2022 July 5

## 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: [legislative@sturgeoncounty.ca](mailto:legislative@sturgeoncounty.ca)

**Gary Zimmermann**  
gary.zimmermann@mross.com  
Direct 780.482.9208

**Janah Reed, Assistant**  
janah.reed@mross.com  
Direct 780.482.9215

Facsimile 780.733.9709

*PLEASE REPLY TO EDMONTON OFFICE  
SENT BY E-MAIL*

Our File Reference: 20222538

June 9, 2022

PERSONAL AND CONFIDENTIAL

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

Dear Subdivision & Development Appeal Board:

**Re: Stop Order dated April 11, 2022, Stop Order dated May 6, 2022, and  
cancellation of development permit 305305-20-D0183 (the "Permit")  
(collectively the "Orders") with respect to lands legally described as  
Lot1, Block 1, Plan 0621672; SE 29-54-27-W4 (the "Lands")**

We act for Marley Broda with respect to the aforementioned Stop Orders and Permit cancellation. Our client respectfully seeks to appeal the Orders.

**Key Facts:**

On August 20, 2020, the Sturgeon County (the "**County**") granted the Permit with conditions, which approved a Home Based Business - Level Three.

On December 3, 2021, County issued a warning letter to our client indicating that the Lands were not in compliance with the County's Land Use Bylaw 1385/17. In particular, the correspondence required our client to reduce their business

**Edmonton**

600 McLennan Ross Building  
12220 Stony Plain Road  
Edmonton, AB T5N 3Y4  
Telephone 780 482 9200  
Facsimile 780 482 9100  
Toll-free 800 567 9200

**Calgary**

1900 Eau Claire Tower  
600 - 3<sup>rd</sup> Avenue SW  
Calgary, AB T2P 0G5  
Telephone 403 543 9120  
Facsimile 403 543 9150  
Toll-free 888 543 9120

**Yellowknife**

301 Nunasi Building  
5109 - 48<sup>th</sup> Street  
Yellowknife, NT X1A 1N5  
Telephone 867 766 7677  
Facsimile 867 766 7678  
Toll-free 888 836 6684

activities on the Lands to comply with the Permit. Further, our client was to remove all but a maximum of five shipping containers from the Lands.

Our client is of the position that their operations are in full or substantial compliance with the requirements of the Permit. Nonetheless, in the interests of working collaboratively with the County and avoiding conflict, our client maintained continued communication with the County and took notable steps to bring the Lands into compliance with the County's requests, including but not limited to:

- Removal of several shipping containers from the Lands;
- Removal of temporary auxiliary structures from the Lands;
- Reduced the area of business operations and storage to ensure such area did not exceed the requirements of the Permit;
- Maintained the configuration of structure on the Lands;
- Ensured business operations and any associated noise was minimized; and
- Took notable steps to investigate and pursue sites for the relocation of the business operations.

Despite our client's immediate cooperation and affirmative action, the required measures were considerable. Remediation measures must be done in a manner that does not completely compromise the viability of the business and the employees livelihoods.

Evaluating and performing cursory due diligence on potential properties for the relocation of business is a onerous process, which has been complicated by the COVID-19 pandemic and its continued effect on Alberta small businesses.

On April 11, 2022, the County issued a stop order (the "**First Order**") requiring our client to complete four tasks to bring the Lands into compliance with the Land Use Bylaw. The deadline for compliance was May 9, 2022, which provided our with less than one month to bring the Lands into compliance, even though several of the tasks required were considerable such as an application for development and building permits, the downsizing of the operations, and rezoning of the Lands.

Our client engaged in ongoing communication with County and advised of the measures they were proposing to address the compliance concerns. Through these discussions, our client had understood that the County was satisfied with their proposal and our client would be afforded with reasonable and adequate

time to complete the necessary tasks to have the Lands brought into compliance. It was implied that the County would work in good faith and no further sanction or enforcement would be forthcoming.

To our client's surprise, on May 20, 2022, the County issued a second stop order (the "**Second Order**"), which immediately cancelled the Permit and directed to take further action to bring the Lands into compliance by June 10, 2022. There was no correspondence from the County that indicated they intended to abruptly change position.

Pursuant to our client's communications with the County in April and early May, they had permitted the appeal period for First Order to lapse, as they were under the reasonable assumption that the County was in agreement with allowing our client to continue to take good faith efforts to have the lands brought into compliance in accordance with a reasonable commercial timeline.

Our client relied on the County's contradictory information to its detriment. If our client would have been aware that the County sought strict compliance with the deadline in the First Order, they would have submitted a notice of appeal to seek to set aside or vary the First Order. Had it not been for the representations by the County and the false sense of security conveyed during the completion of the appeal period, our client would not have let the appeal period expire. Our client respectfully submit that the County's conduct and the resultant reasonable reliance on the same was a breach of procedural fairness.

As a further complicating factor, on May 31<sup>st</sup>, 2022, Marley Broda gave birth. Ms. Broda is an owner of the Lands and the principle of the business operating on the Lands. As the owner of the business, Ms. Broda will be responsible for the evaluation of relocation sites. These circumstances will further impact our client's ability to bring the Lands into compliance with the Stop Orders.

**Relief Sought:**

Our client's our looking for a reasonable and fair outcome. The requirements of the development permit have been substantially complied with throughout the course of the business operations. Our client has consciously operated the business on the Lands in a manner that would not disrupt or impact neighbouring and adjacent properties. Our client took considerable measures to reduce the scale of their operations in a commercially reasonable manner, all while ensuring a positive working relationship with the County and with no abrupt or reckless measures taken that would unduly impact the livelihoods of their employees.

The conduct on the part of the County after the First Stop Order was issued create a false sense of security for our client, as it was represented by the County that the additional time required by our client to bring the Lands into compliance was acceptable. These circumstances made it reasonable for our client to not take measures to appeal the First Order; however, the abrupt change in position of the County with the issuance of the Second Order and the cancellation of the Permit, after the appeal period for the First Order had expired is a clear breach of procedural fairness and bad faith on the part of the County.

With this in mind, our client respectfully appeals the Stop Orders and asks the Subdivision and Development Appeal Board (the "**SDAB**") to find that:

- our client's operations are in compliance with the Permit; and
- the Orders are invalid.

Or, in the alternative, if the SDAB determines that our client's operations do not accord with the requirements of the Permit:

- vary the Orders to require the Lands to be brought into compliance six (6) months from the date of the SDAB's decision; or
- stay enforcement of the Orders for a period of six (6) months from the date of the SDAB's decision.

It is just and reasonable to allow our client to continue their efforts to downsize the operations and bring the Lands into compliance.

Please note that we expect to provide detailed written submissions in advance of the hearing of this matter.

Yours truly,



GARY ZIMMERMANN

GFZ/jr

20222538 - 4139-2977-5673 v.2





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

MARLEY BRODA - REFUSAL  
C/O MCLENNAN ROSS LLP 600, 12220 STONY PLA  
EDMONTON, ALBERTA T5N 3Y4

Receipt Number: 202203342  
GST Number: 107747412RT0001  
Date: 2022-06-09  
Initials: PB

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

June 17, 2022

SDAB File Numbers: 022-STU-007  
022-STU-008  
022-STU-009

Dear Marley Broda:

**NOTICE OF  
APPEAL BOARD HEARING**

Legal Description of Subject Property: 0621672; 1; 1; SE 29-54-27-W4 (27414 TWP 544)  
Decision Regarding Proposed Development: Stop Orders and Cancellation of Development Permit  
305305-20-D0183 – Home-Based Business Level 3 –  
Carpentry Services

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Your appeals to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter were received on June 9, 2022, 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 a Subdivision and Development Appeal Board hearing is scheduled for **July 5, 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 503 279 709#. 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 June 30, 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

June 17, 2022

SDAB File Numbers: 022-STU-007  
022-STU-008  
022-STU-009

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:	0621672; 1; 1; SE 29-54-27-W4 (27414 TWP 544)
Decision Regarding Proposed Development:	Stop Orders and Cancellation of Development Permit 305305-20-D0183 – Home-Based Business Level 3 – Carpentry Services

**Appellant: Marley Broda**

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

- The requirements of the Development Permit have been substantially complied with throughout the course of the business operations;
- The business on the lands has been operated consciously in a manner that would not disrupt or impact neighbouring and adjacent properties;
- Considerable measures have been taken to reduce the scale of the operations in a commercially reasonable manner, all while ensuring a positive working relationship with the County and with no abrupt or reckless measures taken that would unduly impact the livelihoods of the employees.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **July 5, 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 503 279 709#. 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 June 30, 2022.

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

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



Lisa Schovanek  
Secretary, Subdivision and Development Appeal Board



305305-20-D0183

SE 29-54-27-W4 / 0621672;1,1

13-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: \_\_\_\_\_

## 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 SERVICES REPORT



**Subdivision & Development Appeal Board**  
**022-STU-07,08,09****FILE INFORMATION**

Department File:	Enforcement: F20/1348
Civic Address:	27414 Twp Rd 544
Legal Land Description:	Lot1; Block1; Plan 0621672
Relative Location:	3km south of Callihoo
Appellant:	Marley Broda, c/o McLennan Ross LLP
Landowner:	Broda, Norman and Marley
Description of Appeal:	Appealing the Decisions of the Development Authority to Issue a Stop Order on April 11 <sup>th</sup> 2022, Issue a Stop Order on May 20 <sup>th</sup> 2022, and Cancel Development Permit 305305-20-D0183
Land Use Bylaw District:	AG - Agricultural
Tax Roll Number:	4421003

**BACKGROUND**

- On September 10<sup>th</sup> 2020 Development Permit 305305-20-D0183 was issued to allow a Home Based Business - Level Three - Carpentry Services to operate from the property with conditions. (Appendix 1)
  - Relevant conditions include: Development of future buildings require separate permits (#2), restricting exterior storage (#3), No more then 4 employees (#6), shall not be a nuisance (#8).
- Complaints started to be received in December 2020 citing excessive employees and employees' vehicles, number of commercial vehicles, number of sea cans. Landowners indicated they will voluntarily comply with removing excess seacans (10 at the time). (Appendix 2)
- In April 2021, an electrical permit application was received and was denied as retrofitting seacans to data centres is not approved under the Home-Based Business Development Permit.
- In November 2021 complaints received that excessive seacans were located on the property, upon investigation 30 seacans were estimated. (Appendix 2)
- December 3<sup>rd</sup> 2021 a Warning letter was issued to the landowners to provide a voluntary compliance plan to the Development Authority by December 17<sup>th</sup> 2021. (Appendix 3)
- Upon negotiations an updated deadline of a voluntary compliance plan of January 21 2022 was implemented and received (Appendix 4)
- The voluntary compliance plan proposed by the landowner was deemed insufficient to address all outstanding compliance issues with the property for the following reasons:

- Insufficient commitment to removing all seacans except the 5 allowed on the property by the Land Use Bylaw
- Proposed Site Plan does not comply with approved Development Permit 305305-20-D0183
- No commitment to apply for all unapproved structures including three fabric Quonsets, and office trailers
- Operation of business approved by Development Permit 305305-20-D0183 was evaluated and determined that The current activity on the lands is not conducive to a carpentry business; exceeds the allowable exterior storage; the storage is not screened from roads; exceeds the number of employees; is not operating within the specified hours of operation; and is affecting the use, enjoyment or value of neighboring or adjacent properties.
- Continued complaints from adjacent landowners regarding noise and business impacts.
- On April 11<sup>th</sup> 2022 a Stop Order was issued to the landowner with a deadline to comply by 9 May 2022. With the following requirements: (Appendix 5)
  - 1. Applying for development and building permits for all accessory buildings; and
  - 2. Downsizing the business and applying for a new development permit for a home-based business. Alternatively, applying for rezoning to accommodate the existing business; and
  - 3. Removing the shipping containers from the parcel to a maximum of five (5) or applying for a development permit for more than five (5). All by May 9, 2022.
- On May 6<sup>th</sup> 2022 a Report by the applicant was received indicating relocation efforts of the business and compliance with the exterior storage requirements of the approved Development Permit 305305-20-D0183.
- On May 20<sup>th</sup> 2022 a second Stop Order including a letter cancelling Development Permit 305305-20-D0183 was issued with the following requirements by June 10 2022 (Appendix 7)
  - 1. Relocating the business to lands that have the appropriate zoning to allow for Industrial Use. Alternatively, applying for rezoning or development permits for the existing business; and
  - 2. Applying for development and building permits for all accessory buildings, if they should remain; and
  - 3. Removing the shipping containers from the parcel to a maximum of five (5) for storage purposes only or applying for a development permit for more than five (5) for storage purposes only.
- During the overall course of this process complaints were received by affected landowners in the vicinity indicating concerns with noise, traffic, heavy truck traffic, unsightliness.

**PROPERTY INFORMATION**

- The property is 20.44ha in size zoned AG- Agricultural and the bulk of the property is generally used for agricultural purposes.
- The property is adjacent to Hansen's a multi parcel subdivision with 17 Country Residential parcels.
- There is a drainage way through the property with a wetland identified in the east side.
- Development Permit 305305-10-D0387 was issued on August 18<sup>th</sup> 2010, for an existing Mobile Home.
- A Compliance Certificate C-122-2013 was issued August 29, 2013 and included 1 Mobile Home and 1-6m<sup>2</sup> shed as the only buildings on the property.
- Development Permit 305305-20-D0183 was issued on September 10<sup>th</sup> 2020, to allow a Home Based Business - Level Three - Carpentry Services to operate from the property with conditions. (Appendix 1)
- Development Permit 305305-22-D0099 was issued on June 10<sup>th</sup> 2022, for a Single Detached Dwelling (Replacement of Mobile home)

**RELIVANT POLICY/LEGISLATION**

- Land Use Bylaw 1387/17 (Appendix 8)
  - Section 2.13 – Cancellation of a Development Permit identifies when a Development Permit can be cancelled and how a Development Permit can be cancelled including misrepresentation of facts of an application, conditions of a permit not being fulfilled, deviation from approved drawings, and failure to comply with a Stop Order.
  - Section 2.15 – Appeal identifies when an appeal may be made and specifically S2.15.2 identifies that any person affected by an order or decision may appeal to the Subdivision and Development Appeal Board
  - Part 4 – Enforcement identifies the steps and required conditions of enforcement action.
    - Section 4.2 specifically identifies that no person may fail to comply with any order issued under the bylaw, that development must be consistent with the specifications or plans that were the basis of issuing a development permit and no person shall fail to comply with a condition of development permit.
    - Section 4.4 identifies the requirements of Stop Orders, what may be required by landowners and requirements of what must be included in the order.
  - Section 6.16 – Home Based Business detail the requirements of home based businesses including maximum exterior storage , maximum employees, hours of operation. Additionally Section 6.16.7 identifies that the business shall not

- generate noise, smoke, steam, odour, dust, fumes exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. and the business shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.
- Section 6.27 – Shipping Container details the requirements of shipping containers including the maximum number allowed on a parcel without additional Development Permits, in this case 5.
  - Section 11.1 – AG-Agricultural District details specific requirements of the AG-Agricultural district including that Home Based Business Level 3 is discretionary.

## ANALYSIS

- Unlike conventional SDAB hearings which are more commonly associated with a development permit or subdivision application, an appeal regarding a Stop Order “is restricted to determining if the Stop Order was properly issued. If the Stop Order was properly issued, the Board must uphold the Stop Order but may exercise its discretion and give the recipient more time to comply with the terms of the order” (see Appendix 9).
- In respect to the above, when deliberating, it is recommended that the SDAB exclusively contemplates the following questions:
  - Does the Land Use Bylaw require a permit?
  - Is there a valid permit existing?
  - Was the Stop Order properly issued?
  - Are the deadlines required by the Stop Order reasonable?
- Regarding the permit cancellation when deliberating, it is recommended that the SDAB exclusively contemplates the following questions:
  - Does the Land Use Bylaw allow for a permit cancellation?
  - Was the Development Authority’s decision within the conditions set out on permit cancellation within the Land Use Bylaw.
  - Was the permit cancellation properly issued?
  - Are the deadlines required by the permit cancellation reasonable?
- Regarding appeal of the Stop Order issued on April 11<sup>th</sup> 2022, the Development Authority contends that this Stop Order was issued and notified in accordance with the Municipal Government Act and the Land Use Bylaw and is past the 21 day appeal period with no appeal registered and should be found in effect.
- Regarding the Stop Order and Permit Cancellation within the May 20, 2022 Stop Order the Development Authority contends the following:
  - Does the Land Use Bylaw require a permit?

- Administration has concluded that yes, a permit is required to operate a cryptomining facility construction business and permits are required for any accessory buildings associated with such a business.
- Is there a valid permit existing?
  - Administration has concluded that the Development authorized under Development Permit 305305-20-D0183 for Carpentry was a misrepresentation of the Cryptomining facility construction business which would have required different conditions in the approval process.
  - Additionally several conditions of the approved Development Permit have not been adhered to including: Development of future buildings require separate permits (#2), restricting exterior storage (#3), No more than 4 employees (#6), shall not be a nuisance (#8).
- Was the Stop Order properly issued?
  - Part 645 of the Municipal Government Act authorises Sturgeon County to issue a Stop Order when a development, land use, or use of a building is not in accordance with the Land Use Bylaw. Accordingly, it is Administration's opinion that the issuance of the Stop Order (and the content/requirements thereof) are consistent with the provisions of Part 645 of the Municipal Government Act.
- Are the deadlines required by the Stop Order reasonable?
  - Administration has concluded that, yes, the deadlines in the Stop Order and Permit Cancellation are reasonable.
  - Enforcement on this property started in December 2020 and at that time the landowners were reminded of the limitations of the existing Development Permit. For the 1.5 years since enforcement started the landowners have continued to not follow the conditions of the approved development permit, refused to apply for necessary accessory development permits, failed to meet conditions of conversations, voluntary compliance plans, and Stop Orders.
  - In addition, the original voluntary compliance plan put forward by the landowners on 21 January 2022 indicated that all aspects of the property would comply by July 2022.
  - Per the above reasons Administration recommends no further extensions to any enforcement timelines.
- Does the Land Use Bylaw allow for a permit cancellation?
  - Yes, Section 2.12 of the Land Use Bylaw (Appendix 8) allows for a permit cancellation in this circumstance.
- Was the Development Authority's decision within the conditions set out on permit cancellation within the Land Use Bylaw.

- Yes, The development was operating out of line with the Stop Order issued on April 11<sup>th</sup> 2022, in addition the development deviated from the approved drawings, facts were omitted as part of the application and conditions were not fulfilled.
- Was the permit cancellation properly issued?
  - Yes, the cancellation was issued in writing to the landowner within the Stop Order issued May 20<sup>th</sup> 2022.
- Are the deadlines required by the permit cancellation reasonable?
  - Yes, the cancellation date was set at the same time as the Stop Order enactment date to provide consistency.

### CONCLUSION


- In conclusion Administration recommends that both Stop Orders and the Permit Cancellation stay in effect as written.
- The appellant has had ample opportunity to bring the property into compliance and as of the last inspection the business is still operating outside of compliance.

### ATTACHMENT(S)

- Appendix 1 – 305305-20-D0183
- Appendix 2 - Images
- Appendix 3 – Warning Letter – 3 December 2021
- Appendix 4 – Proposed Compliance Plan
- Appendix 5 - Stop Order – 11 April 2022
- Appendix 6 – Landowner report – 6 May 2022
- Appendix 7 – Stop Order – 20 May 2022
- Appendix 8 – Land Use Bylaw Sections
- Appendix 9 – SDAB Guide (pg50-51)

Prepared  
By:

**Tyler McNab**

 Digitally signed by Tyler McNab  
Date: 2022.06.30 00:15:06 -06'00'

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

Reviewed  
By:



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**Yvonne Bilodeau**, Development Officer

# 022-STU-(007,008,009)

Development Authority Report

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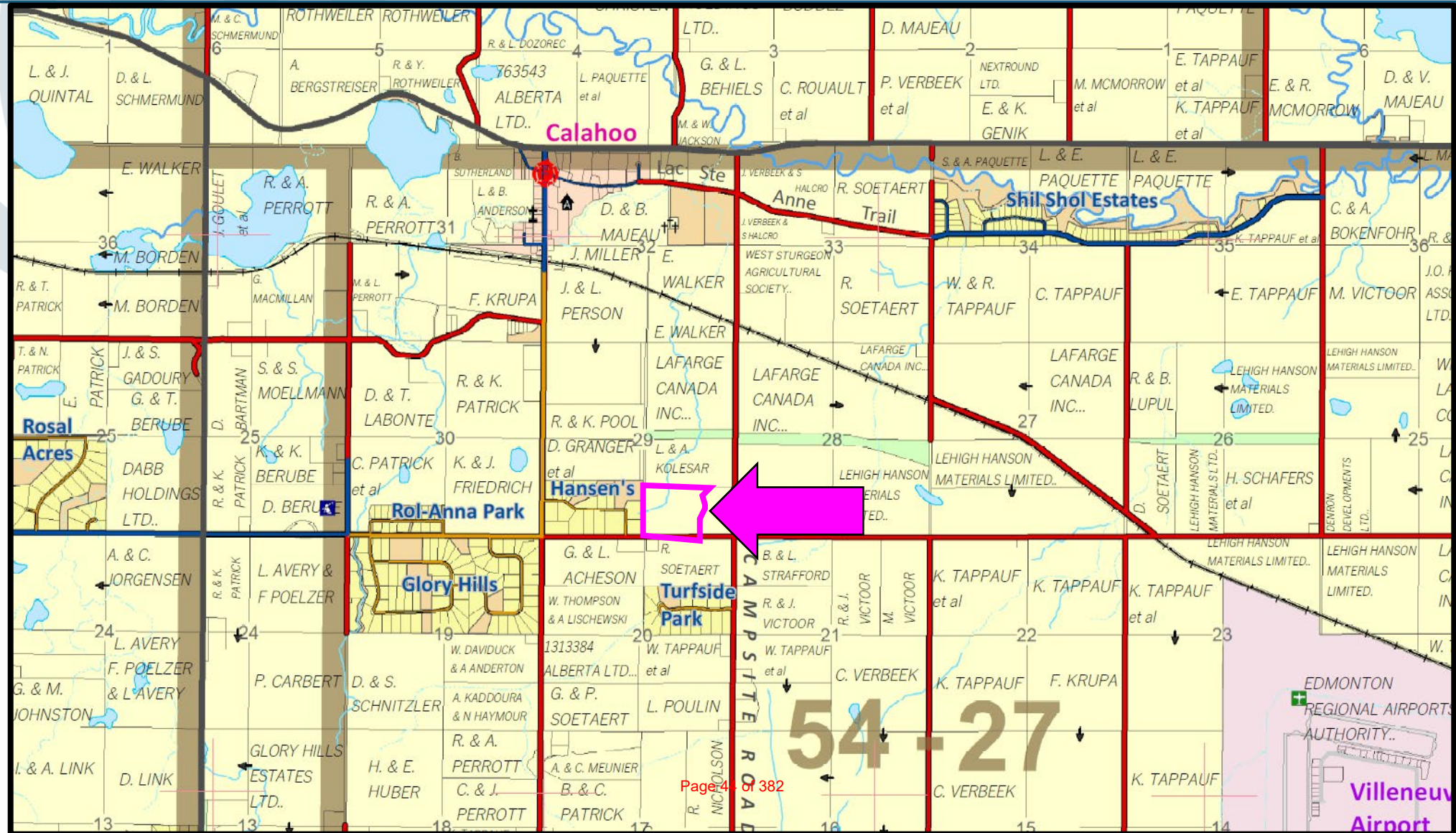
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Sturgeon  
C O U N T Y

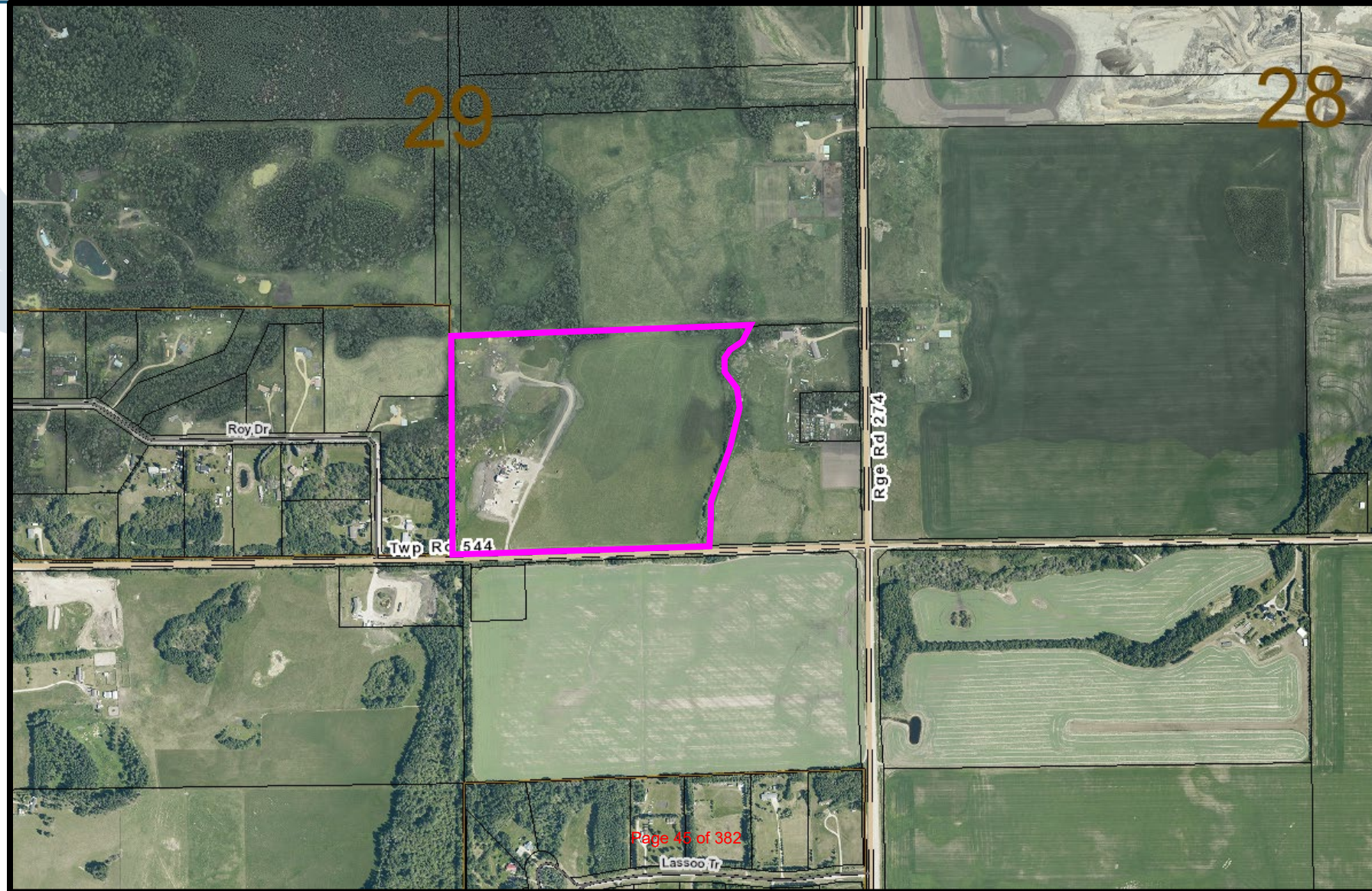


# Site Location (Local)





# Site Location (Site)



# Background

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## Enforcement Action Timeline

- September 2020 – Issue Development Permit 20-D0183
- December 2020 – Complaints received, Landowner indicated voluntary compliance.
- April 2021 – Electrical permit denied
- November 2021 – Complaints received, 30+ seacans identified
- December 2021 – Warning Letter issued
- January 2022 – Voluntary Compliance Plan accepted for review
- April 2022 – Issued a Stop Order
- May 2022 – Report received by landowner detailing compliance efforts
- May 2022 - Issue a Stop Order and Development Permit 20-D0183 cancellation
- January – June 2022 - Complaints continue to be received.



# Property Information

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27414 Twp Rd 544

Lot1; Block1; Plan 0621672

- 20.44 ha in size
- AG – Agriculture District
- Bulk of property used for Agriculture
- Drainage way through property with wetland in east side
- Adjacent to Hansen's Multi Parcel Subdivision (17 Parcels)
- Other Development Permits & Information
  - June 2022 - 22-D0099 for Single Detached Dwelling
  - August 2010 – 10-D0387 for existing Mobile Home
  - August 2013 – C-122-2013 Compliance Certificate



# Relevant Policy & Legislation

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## Land Use Bylaw 1387/17

- Section 2.13 – Cancellation of a Development Permit regulations.
- Section 2.15 – Appeal regulations
  - Clause 2.15.2 - Any person affected by a order or decision may appeal the order or decision to the SDAB
- Part 4 – Regulations regarding enforcement of the Land Use Bylaw
  - Section 4.2 – No person may fail to comply with any order issued and any development must be consistent with a permit
  - Section 4.4 – requirements of Stop Orders
- Section 6.16 – Home Based Business regulations Including:
  - Maximum exterior storage of 1% (2044m<sup>2</sup>)
  - Maximum employees of 4
  - Hours of operation
  - Clause 6.16.7 – (simplified) business shall not be a nuisance in the opinion of the Development Authority
- Section 6.27 – Shipping Container Regulations (5 maximum)
- Section 11.1 – AG – Agriculture district regulations.

# Analysis

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## SDAB requirements

- Appeal of a Stop Order *“is restricted to determining if the Stop Order was properly issued. If the Stop Order was properly issued, the Board must uphold the Stop Order but may exercise its discretion and give the recipient more time to comply with the terms of the order”*
- It's recommended that the SDAB exclusively contemplates the following questions in its decision-making process
  - Does the Land Use Bylaw require a permit?
  - Is there a valid permit existing?
  - Was the Stop Order properly issued?
  - Are the deadlines required by the Stop Order reasonable?
- Appeal of a Decision of the Development Authority regarding cancellation of a Development Permit is broad, the Development Authority suggests that this matter be treated similarly to the Stop Order provisions above and focus on the following questions.
  - Does the Land Use Bylaw allow for a permit cancellation?
  - Was the Development Authority's decision within the conditions set out on permit cancellation within the Land Use Bylaw.
  - Was the permit cancellation properly issued?
  - Are the deadlines required by the permit cancellation reasonable?

# Analysis

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## Stop Order – April 11<sup>th</sup>, 2022

- Regarding appeal of the Stop Order issued on April 11<sup>th</sup> 2022, the Development Authority contends that this Stop Order was issued and notified in accordance with the Municipal Government Act and the Land Use Bylaw and is past the 21 day appeal period with no appeal registered and should be found in effect.

# Analysis

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## Stop Order & Permit cancellation May 20<sup>th</sup>, 2022

- Does the Land Use Bylaw require a permit?
  - Yes, a permit is required to operate a cryptomining facility construction business and permits are required for any accessory buildings associated with such a business.
- Does the Land Use Bylaw allow for a permit cancellation?
  - Yes, Section 2.12 of the Land Use Bylaw (Appendix 8) allows for a permit cancellation in this circumstance.
- Is there a valid permit existing?
  - The Development authorized under Development Permit 20-D0183 for Carpentry was a misrepresentation of the Cryptomining facility construction business which would have required different conditions in the approval process.
  - Additionally several conditions of the approved Development Permit have not been adhered to including: Development of future buildings require separate permits (#2), restricting exterior storage (#3), No more than 4 employees (#6), shall not be a nuisance (#8)

# Analysis

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## Stop Order & Permit cancellation May 20<sup>th</sup>, 2022

- Was the Development Authority's decision within the conditions set out on permit cancellation within the Land Use Bylaw.
  - Yes, The development was operating out of line with the Stop Order issued on April 11th 2022, in addition the development deviated from the approved drawings, facts were omitted as part of the application and conditions were not fulfilled.
- Was the Stop Order properly issued?
  - Part 645 of the Municipal Government Act authorises Sturgeon County to issue a Stop Order when a development, land use, or use of a building is not in accordance with the Land Use Bylaw. Accordingly, it is Administration's opinion that the issuance of the Stop Order (and the content/requirements thereof) are consistent with the provisions of Part 645 of the Municipal Government Act.
- Was the permit cancellation properly issued?
  - Yes, the cancellation was issued in writing to the landowner within the Stop Order issued May 20th 2022.



# Analysis

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## Stop Order & Permit cancellation May 20<sup>th</sup>, 2022

- Are the deadlines required by the Stop Order & permit Cancellation reasonable?
  - yes, the deadlines in the Stop Order and Permit Cancellation are reasonable.
  - the Development authorized under Development Permit 20-D0183 for Carpentry was a misrepresentation of the Cryptomining facility construction business which would have required different conditions in the approval process.
  - Additionally several conditions of the approved Development Permit have not been adhered to including: Development of future buildings require separate permits (#2), restricting exterior storage (#3), No more than 4 employees (#6), shall not be a nuisance (#8)
  - The Stop Order and permit cancellation having effect the same date of June 10<sup>th</sup> 2022, was to ensure consistency between similar processes.

# Conclusion

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## Recommendation

- Administration recommends that both Stop Orders and the Permit Cancellation stay in effect as written.
- The appellant has had ample opportunity to bring the property into compliance and as of the last inspection the business is still operating outside of compliance.

# 022-STU-(007,008,009)

Development Authority Report

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2022-07-05



**Planning and Development**

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

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## Development Permit Approval Notification

Aug 20, 2020

Development Permit No. **305305-20-D0183**

Property Owner,

Please be advised that the Development Officer has approved a development permit **to operate a Home Based Business - Level Three - Carpentry Services** located on **Lot 1, Block 1, Plan 0621672; 27414 Twp Rd 544**. 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 to Sturgeon County's Subdivision and Development Appeal Board, please complete the attached form.

This form should be delivered or mailed to Sturgeon County Centre: Attention Subdivision and Development Appeal Board Secretary by **Sep 10, 2020**. ***Please note that payment in the amount of \$100.00 must accompany an appeal.***

### Additional Information

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

Regards,

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

Yvonne Bilodeau  
Development Officer



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## ***Development Permit***

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## ***Land Use Bylaw 1385/17***

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Permit No.:	305305-20-D0183
Tax Roll No.:	4421003
Decision Date:	Aug 20, 2020
Effective Date:	Sep 10, 2020

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### **Applicant**

Name: Broda, Marley

Address: [REDACTED]

Phone: [REDACTED]

Cell: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

### **Owner**

Name: Broda, Marley

Address: [REDACTED]

Cell: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

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### ***Property Description***

Severed in line with section 17 of the FOIP Act

**Legal Land Description:** 0621672; 1; 1 ; SE 29-54-27-W4

**Land Use Description:** Agriculture District

**Rural Address:** 27414 Twp Rd 544

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### ***Description of Work***

To operate a Home Based Business - Level Three - Carpentry Services

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### ***Fees***

Home Based Business - Level Three

\$310.00

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### ***Permit Conditions***

1. No more than one level 2 or 3 home-based businesses shall be allowed on one parcel.
2. The home-based business shall not occupy more than 30% of the gross floor area of the dwelling and 100% of the gross floor area of the accessory building(s). **Development of future accessory building for the business will require separate development and building permit applications.**
3. Exterior storage shall not exceed 1% of the parcel size (0.5 acres) and in the area as per the approved plot plan.
4. Exterior storage of goods and materials associated with this approval shall be kept in a clean and orderly manner at all times and shall be screened from roads and adjacent residential uses to the satisfaction of the Development Authority.
5. Client traffic generation shall not exceed more than ten (10) vehicle visits per 24-hour period.
6. The home-based business shall be operated by the permanent resident(s) of the principal dwelling and there shall be no more than four (4), non-resident employees on site.

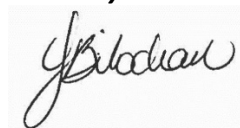
7. There shall be no more than three (3) commercial vehicles, two (2) passenger vehicles and three (3) trailers used for business purposes and be parked on-site.
8. The home-based business shall not generate noise, smoke, steam, odour, dust, fumes exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. At all times, the privacy of the adjacent residential dwelling(s) shall be preserved and shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.
9. Only one on-site, commercially produced sign to identify the business, shall be allowed. The sign dimensions shall be a maximum of 1m (3.3ft) in length and 0.6m (2ft) in height. The sign shall be displayed as a window sign, be affixed to a building or be located in the front yard adjacent to the front parcel boundary and either be self-supporting or attached to existing fencing. There shall be no off-site signage associated with this home-based business.
10. The home-based business shall operate between 7:00 a.m. to 8:00 p.m. only.
11. One parking stall per non-resident employee and one parking stall per commercial vehicle shall be provided onsite.
12. The development permit is issued to the applicant and is non-transferable. Should the applicant move or sell the business, the permit will become void.
13. A parcel containing a home-based business level 2 or 3, shall not operate a group home, major or minor.
14. A home-based business level 3 shall not be operated from a secondary suite or a semi-detached dwelling.

**Advisory Notes:**

1. Home Based Business means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the permanent residents of the dwelling.

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

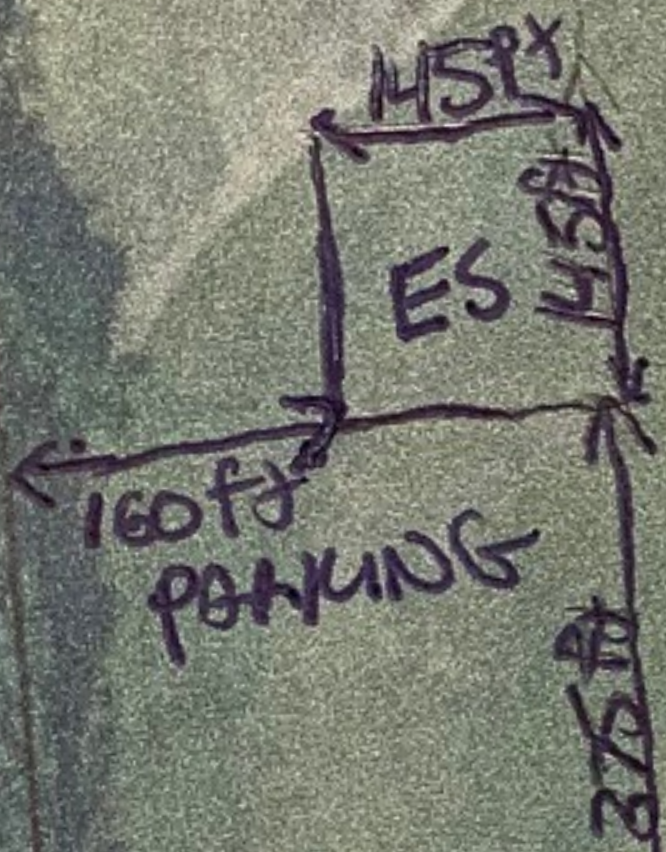
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**Appeal Information**

If you wish to appeal this decision, contact the Secretary of the Subdivision and Development Appeal Board via email at [legislativeservices@sturgeoncounty.ca](mailto:legislativeservices@sturgeoncounty.ca) or via letter at Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can also be made at 780-939-4321. Pursuant to Section 686(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. Please note that there is a \$100.00 fee for any appeal.



APPROVED  
FOR DEVELOPMENT PERMIT ONLY  
STURGEON COUNTY  
PLANNING & DEVELOPMENT SERVICES  
 Aug 20, 2020  
DEVELOPMENT AUTHORITY DATE  
305305-20-D0183  
PERMIT #



Twp Rd 544

ES - Exterior Storage 145ft x 145ft  
x - Tree's planted

Prepared By: \_\_\_\_\_

map is provided solely for the user's  
le thought to be accurate, is provided strictly  
warranty of any kind.

AFD Resource







December 7, 2020





December 7, 2020





November 24, 2021





November 24, 2021





November 24, 2021





May 26th 2022





May 26th 2022





May 26th 2022





May 26th 2022





May 26th 2022







## WARNING LETTER

December 3, 2021

Severed in line with section 17 of the FOIP Act

Broda, Norman and Marley

Email: [REDACTED]

**File# F20/1348**

**RE: Contravention of Permit 305305-20-D0183 and Land Use Bylaw 1385/17  
Lot 1, Block 1, Plan 0621672; Sturgeon County**

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I refer to my conversation with Marley Broda on December 7, 2020 regarding contraventions with the Home Based Business Level 3 permit 305305-20-D0183 issued for the above noted property. Further, a site inspection performed on November 24, 2021 has revealed a large quantity of shipping containers that are also not in compliance with the regulations of Land Use Bylaw 1385/17.

Section 4.2.3 of Sturgeon County's Land Use Bylaw 1385/17 states *No person shall contravene or fail to comply with a condition of a development permit issued under this Bylaw or a Development Agreement entered pursuant to a development permit or a subdivision approval.* Further, Part 4.2 – Contravention states: *Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or fails to comply with any order, notice, or direction given under this Bylaw, commits an offence. Each calendar day that a violation is permitted to exist shall constitute a separate offence.*

You are required to reduce the business activities on the parcel to align with the approved permit #305305-20-D0183 and to remove all shipping containers from the property to a maximum of five. Sturgeon County is willing to discuss an acceptable time frame for you to complete this work and require you to provide such details to the undersigned by no later than **December 17, 2021**. Should you choose not to comply, Sturgeon County will proceed with a further enforcement.

Regards,

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

Yvonne Bilodeau  
Development Officer