


JUNE 21, 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: David Hayes 022-STU-006 Development Appeal
3. **ADJOURNMENT**



NOTICE OF APPEAL

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:	 MAY 24 2022 STURGEON COUNTY Date Received Stamp
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: 305305-22-00121	

Appellant Information:		
Name: DAVID HAYES	Phone: 780-939-7343	Agent Name: (if applicable)
Mailing Address: 16 PROSPECT PLACE	City, Province: STURGEON County, ALTA	
Postal Code: T8R1N7	Email: shankim7577@gmail.com	

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

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

Stop Order
<input type="checkbox"/> Stop Order

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

The covered structure was installed over original deck 24 years ago (1997) and no neighbour has ever complained. There is plenty of space between deck and fence for any equipment, if ever required. TALKED TO NEIGHBOUR and told it doesn't interfere at all.

(Attach a separate page if required) *2 ATTACHED

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: David Hayes	Date: May 24, 2022
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FOR OFFICE USE ONLY		
SDAB Appeal Number: 022-STU-006	Appeal Fees Paid: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date: YYYY/MM/DD 2022-06-21

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

* UNCOVERED DECK

The uncovered deck was built last summer (2021) as it had damaged boards.

The new deck is very small compared to the original one.

There are no buildings opposite the deck and has a fenced in path outside of owner's fence.

There is no traffic opposite the deck and is used only to cut the grass

Thank you



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

HAYES, DAVID C. & SUZANNE
16 PROSPECT PLACE CARDIFF ECHOES

STURGEON COUNTY, AB T8R 1N7

Receipt Number: 202202619
GST Number: 107747412RT0001
Date: 2022-05-24
Initials: CS

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

June 1, 2022

SDAB File Number: 022-STU-006

Dear David Hayes:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: Lot 25; Block 10: Plan No. 7722157
Decision Regarding Proposed Development: To leave an existing covered deck and uncovered deck as built with a variance to the side and rear yard setback.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on May 24, 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 **June 21, 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 747 550 682#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. Therefore, written submissions are due to be submitted no later than June 16, 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.

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 1, 2022

SDAB File Number: 022-STU-006

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: Lot 25; Block 10: Plan No. 7722157 (16 Prospect Place)

Decision Regarding Proposed Development: To leave an existing covered deck and uncovered deck as built with a variance to the side and rear yard setback.

Applicant: David Hayes

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

- The covered structure was installed over the original deck 24 years ago (1997) and no neighbour has ever complained;
- There is plenty of space between the deck and fence for any equipment, if ever required;
- The neighbour has advised that the development does not interfere;
- The uncovered deck was built last summer (2021);
- The new deck is very small compared to the original one;
- There are no buildings opposite the deck and has a fenced-in path outside of the owner's fence;
- There is no traffic opposite the deck and is only used to cut the grass.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 21, 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 747 550 682#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date and must include your current email address. Therefore, written submissions are due to be submitted no later than June 16, 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.

Lisa Schovanek
Secretary, Subdivision and Development Appeal Board

22-D0121, Circulation Map

Map Subtitle

31-May-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.

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

Notification Letter of Refusal

Date: May 20, 2022

Permit Number: 305305-22-D0121

*Information severed in keeping with Section 17 of the FOIP Act

To: 
16 Prospect Pl
STURGEON COUNTY, ALBERTA
T8R 1N7

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-22-D0121 to leave the existing covered deck and uncovered deck as built with a variance to the side and rear yard setback was refused on May 24, 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,



Yvonne Bilodeau
Development Officer

Development Permit

Land Use Bylaw 1385/17

Permit No.:	305305-22-D0121
Tax Roll No.:	2987047
Decision Date:	May 24, 2022
Effective Date:	Jun 14, 2022

*Information severed in keeping with Section 17 of the FOIP Act

Applicant

Name: *
Address: 16 Prospect Pl
STURGEON COUNTY, ALBERTA
T8R 1N7
Phone: *
Cell:
Email: *

Owner

Name: *
Address: 16 Prospect Pl
STURGEON COUNTY, ALBERTA
T8R 1N7
Phone: *
Cell:
Email: *

Property Description

Legal Land Description: 7722157; 10; 25 Cardiff Echoes
Land Use Description: Hamlet Serviced District
Rural Address: 16 Prospect Pl

Description of Work

To leave the existing covered deck and uncovered deck as built with a variance to the side and rear yard setback

Fees

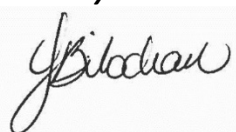
Residential Development, Discretionary Use / Variance Request	\$360.00
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The application is **REFUSED** for the following reasons:

1. Section 15.2.4 of Land Use Bylaw 1385/17 states, *the minimum side and rear yard setback is 2.5m(8.2ft)*. A variance is requested to relax the required side yard setback to 1.33m(4.36ft) and the rear yard to 0.85m(2.7ft). Therefore, the requested variances are 46.8 and 66% respectively.
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 R4 – Hamlet Serviced District is 40%.

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

Issued By:



Yvonne Bilodeau
Development Officer

Municipality

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

Appeal Information

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

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

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

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

THIS REPORT IS PREPARED FOR: XXXXXXXXXX FILE No. 16 PROSPECT PLACE, STURGEON COUNTY, ALBERTA.

REMAINDER OF LOT 25, BLOCK 10, PLAN 772 2157
16 PROSPECT PLACE, STURGEON COUNTY, ALBERTA.

SURVEY COMPLETED: APRIL 19th, 2022.
TITLE SEARCHED: OCTOBER 14th, 2021. TITLE NO. 972 293 444 +1

CERTIFICATION: I HEREBY CERTIFY THAT THIS REPORT WHICH INCLUDES THIS PLAN AND RELATED SURVEY, WAS PREPARED AND PERFORMED UNDER MY PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE OF THE ALBERTA LAND SURVEYORS' ASSOCIATION AND SUPPLEMENTS THERETO. ACCORDINGLY WITHIN THOSE STANDARDS AND AS OF THE DATE OF THIS REPORT,

I AM OF THE OPINION THAT:

1. THE PLAN ILLUSTRATES THE BOUNDARIES OF THE PROPERTY, THE IMPROVEMENTS AS DEFINED IN PART D, SECTION 8.5 OF THE ALBERTA LAND SURVEYORS' ASSOCIATION'S MANUAL OF STANDARD PRACTICE, REGISTERED EASEMENTS AND RIGHTS-OF-WAY AFFECTING THE EXTENT OF THE TITLE TO THE PROPERTY.
2. THE IMPROVEMENTS ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PROPERTY.
3. NO VISIBLE ENCROACHMENTS EXIST ON THE PROPERTY FROM ANY IMPROVEMENTS SITUATED ON AN ADJOINING PROPERTY.
4. NO VISIBLE ENCROACHMENTS EXIST ON REGISTERED EASEMENTS OR RIGHTS-OF-WAY AFFECTING THE EXTENT OF THE PROPERTY.

PURPOSE: THIS REPORT AND RELATED PLAN HAVE BEEN PREPARED FOR THE BENEFIT OF THE PROPERTY OWNER, SUBSEQUENT OWNERS AND ANY OF THEIR AGENTS FOR THE PURPOSE OF (A LAND CONVEYANCE, SUPPORT OF A SUBMISSION APPLICATION, A MORTGAGE, ETC.). COPYING IS PERMITTED ONLY FOR THE BENEFIT OF THESE PARTIES WHERE APPLICABLE, REGISTERED EASEMENTS, UTILITY RIGHTS-OF-WAY AFFECTING THE EXTENT OF THE PROPERTY HAVE BEEN SHOWN. UNLESS SHOWN OTHERWISE, PROPERTY CORNER MARKERS HAVE NOT BEEN PLACED DURING THE SURVEY FOR THIS REPORT. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY BOUNDARIES DUE TO THE RISK OF MISINTERPRETATION OR MEASUREMENT ERROR BY THE USER. THE INFORMATION SHOWN ON THIS REAL PROPERTY REPORT REFLECTS THE STATUS OF THIS PROPERTY AS OF THE DATE OF SURVEY ONLY. USERS ARE ENCOURAGED TO HAVE THE REAL PROPERTY REPORT UPDATED FOR FUTURE REQUIREMENTS

DATED AT EDMONTON, ALBERTA. APRIL 21th, AD. 2022



PAUL W.K. CHAN A.L.S.

© Copyright 2022

NOTE: THIS DOCUMENT IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE (IN BLUE INK) AND A GEODETIC SURVEYS & ENGINEERING LTD. PERMIT STAMP (IN RED INK).

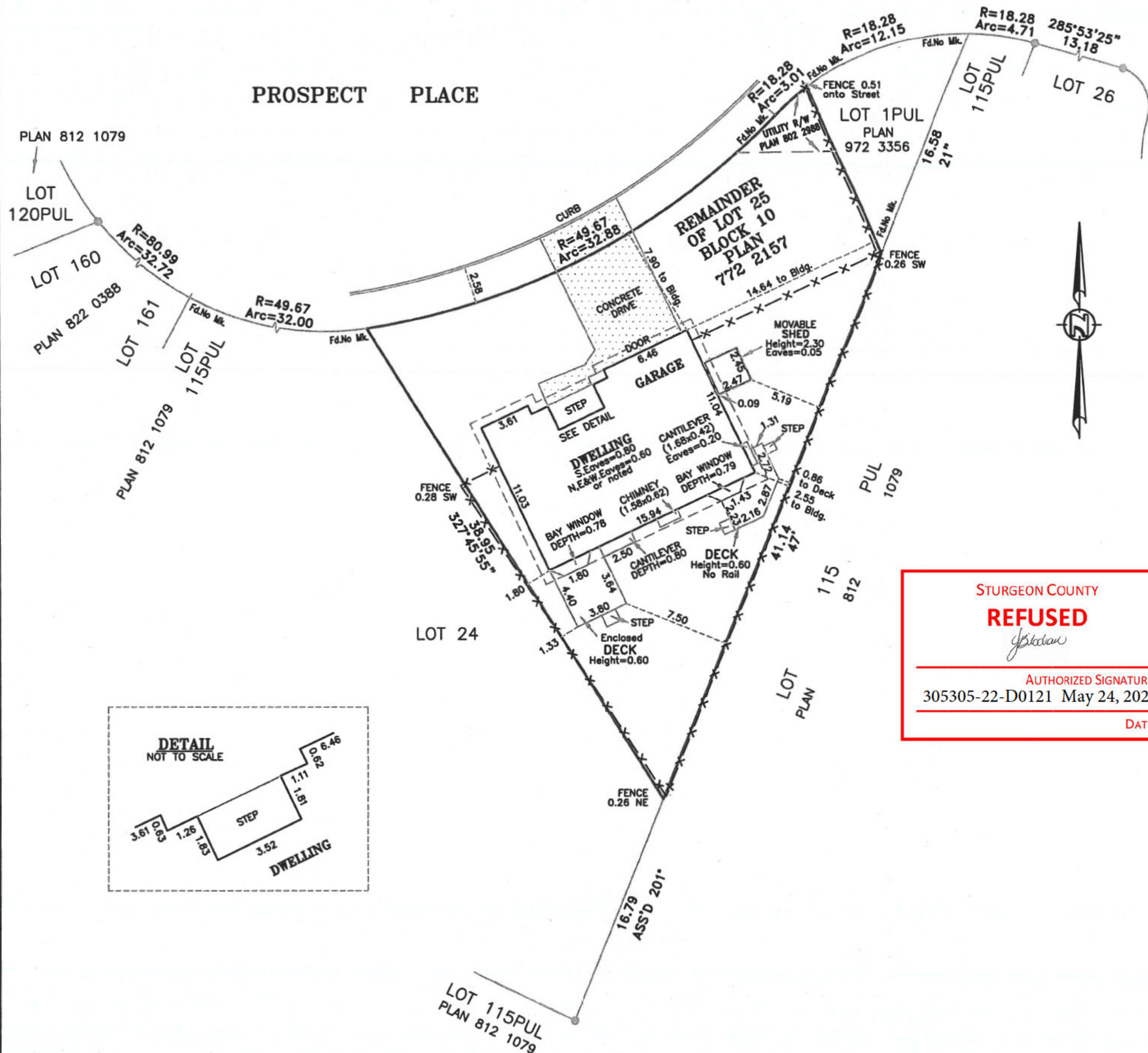
NOTE:

1. ALL DISTANCES ARE SHOWN IN METRES AND DECIMALS THEREOF.
2. STATUTORY IRON POSTS FOUND SHOWN THUS.....
3. IRON BARS FOUND SHOWN THUS.....
4. U.T.L. DENOTES UNABLE TO LOCATE SURVEY EVIDENCE.
5. Fd.No.Mk. DENOTES FOUND NO SURVEY EVIDENCE.
6. MEASUREMENTS APPLY TO THE NEAREST FINISHED SURFACE OF EXTERIOR BUILDING WALLS UNLESS SHOWN OTHERWISE.
7. ALL YARD DISTANCES ARE PERPENDICULAR OR RADIAL TO THE PROPERTY LINES UNLESS SHOWN OTHERWISE.
8. FENCES ARE WITHIN 0.20m OF THE PROPERTY LINE UNLESS SHOWN OTHERWISE AND ARE SHOWN THUS. * * *
9. EAVES DIMENSIONED ARE TO THE LINE OF THE FASCIA.
10. THIS PLAN IS NOT MADE FOR LITIGATION USES.

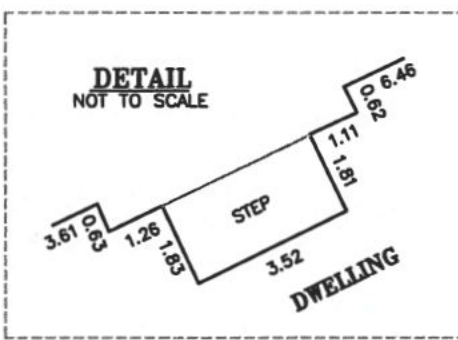
GEODETIC SURVEYS & ENGINEERING LTD.

9538 - 87 STREET, EDMONTON, ALBERTA T6C 3J1
Phone: (780) 465-3389 Fax: (780) 465-5400

ACAD: 22433.DWG/SC SCALE 1: 300 JOB No. P- 122433



STURGEON COUNTY
REFUSED
J. Blodan
AUTHORIZED SIGNATURE
305305-22-D0121 May 24, 2022
DATE



ENCLOSED DECK / SIDE YARD VARIANCE



STURGEON COUNTY

REFUSED

J. Stodan

AUTHORIZED SIGNATURE

305305-22-D0121 May 24, 2022

DATE



STURGEON COUNTY

REFUSED

J. Stodan

AUTHORIZED SIGNATURE

305305-22-D0121 May 24, 2022

DATE



STURGEON COUNTY

REFUSED

J. Blodgett

AUTHORIZED SIGNATURE

DATE



UNCOVERED DECK REQUIRING A SIDE YARD VARIANCE

STURGEON COUNTY
REFUSED
J. Gordon

AUTHORIZED SIGNATURE

DATE



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-D0121
 Date Received: May 12/22
 Received By: SG J

DEVELOPMENT PERMIT APPLICATION

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

APPLICANT INFORMATION

Complete if different from Applicant

* [Redacted]		Name of Registered Land Owner:	
Mailing Address: <u>16 PROSPECT PLACE</u>		Mailing Address:	
City: <u>STURGEON COUNTY</u>		City:	
Postal Code: <u>T8R1N7</u>	* [Redacted]	Postal Code:	PH:
E-mail Address: * [Redacted]		Email Address:	
Contact Name:		ANTS TO PICK UP***	

LAND INFORMATION

Legal Description of Property All/Part _____ 1/4 Section _____ Twp. _____ Rge. _____ West of the _____ Meridian
 OR Lot 25 Block 10 Plan No. 7722157 Hamlet or Subdivision Cardiff Echoes
 Parcel Size: 0.2ac Rural Address: 16 Prospect Pl

DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Accessory Building	<input type="checkbox"/> Kennel	Brief Description: <u>Existing</u> <u>Enclosed</u> <u>Deck</u> <u>C-21-2022</u>	Development Details: Size: <u>179.97</u> sq ft Height: _____ Start Date: _____ End Date: _____ Estimated Project Value: <u>12,000</u> (cost of material & labour)
<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Addition	<input type="checkbox"/> RV Storage		
<input type="checkbox"/> Industrial	<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Single Family Dwelling		
<input type="checkbox"/> Institutional	<input type="checkbox"/> Site Grading	<input type="checkbox"/> Secondary Dwelling		
	<input type="checkbox"/> Deck	<input type="checkbox"/> Dugout		
	<input type="checkbox"/> Other _____			

APPLICANT AUTHORIZATION

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

I/We consent to the release of my/our name(s) and any information provided in this application to the public in accordance with Section 60(1) of the Municipal Access to Information Act.

*Information severed in keeping with Section 17 of the FOIP Act

All landowners listed on title must sign this permit or a letter of authorization.

If the land is titled to a company, a copy of the Corporate Registry must be provided. _____ Signature of Landowner _____ Date

FOR OFFICE USE ONLY

Permitted Use Discretionary Use

Fee \$ 110.00 Penalty \$ 110.00 Receipt# 202202422 Tax Roll# 2987047 District R4
 Payment Method: Cash / Cheque / Debit / VISA / Mastercard

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



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

For Office Use	
Development Permit:	
Date Received:	May 12/22
Received By:	SG

VARIANCE REQUEST APPLICATION

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

VARIANCE DESCRIPTION

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

Side yard variance - Enclosed Deck and } Both Existing
 Side yard variance - Uncovered Deck }

JUSTIFICATION

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

I assumed the builder knew & adhered to proper regulations

C-21-2022

MITIGATION

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

Structures are existing

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

No impact to neighbours property

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

Information severed in keeping with Section 17 of the FOIP Act

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 _____

Fee \$ 250.00 Receipt # 202202422 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

Prepared For: Subdivision & Development Appeal Board
Prepared By: Development Support Services
Hearing Date: June 21, 2022



FILE INFORMATION:	
Subdivision & Dev. Appeal Board File:	022-STU-006
Development Permit File:	305305-22-D0121
Legal Land Description of Property:	Lot 25, Block 10, Plan 7722157
Relative Location:	Cardiff Echoes
Appellant & Landowner	Hayes, David
Description of Appeal:	Appealing the decision of the Development Authority, Refusal to leave the existing covered and uncovered deck as built with a variance to the side and rear yard setback
Land Use Bylaw District:	R4 – Hamlet Services District
Tax Roll Number:	2987047

PART I – BACKGROUND:

1. A compliance certificate application was received in April 2022 where the Real Property Report revealed the decks were not in compliance with the minimum setback of 2.5m(8.2ft).
2. The enclosed deck is located 1.33m from the side property line and requires a variance of 1.17m or 47%. The unenclosed deck requires a 1.64m(2.37ft) or 66% variance to the rear yard setback.
3. The application was refused as the variance exceeded the maximum percentage that could be granted the Development Authority of 40%.
4. The landowner appealed the decision on May 24, 2022.

PART II – PROPERTY INFORMATION:

1. Permit 188-96 was issued a development (building) permit to construct a dwelling with attached garage.
2. November 11, 1996 a compliance certificate was issued, with no decks shown.
3. The parcel is 0.20 acres(0.08ha) in area.

PART III – RELEVANT 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
R4 – Hamlet Serviced	0.1 – 19.9%	20.0 – 40%

SECTION 12.4 R4 – HAMLET SERVICED DISTRICT

.4 Development Regulations

Minimum <i>front yard setback</i>	<i>Abutting a local or collector road</i>	5.5m (18ft)
	<i>Flanking front yard</i>	4.5m (14.8ft)
Minimum <i>side yard setback</i>	2.5m (8.2ft)	
	Zero <i>lot</i> line where common wall is present	
Minimum <i>rear yard setback</i>	2.5m (8.2ft)	
Maximum <i>height</i>	<i>Principal dwelling</i>	12m (39.4ft)
	<i>Accessory building</i>	6m (19.7ft)
Maximum <i>floor area</i>	<i>Accessory building</i>	140m ² (1,506.9ft ²)
Maximum <i>parcel coverage</i>	35%	

PART IV – ANALYSIS:

1. The development permit application was refused in accordance with the regulations of the Land Use Bylaw 1385/17 as stated above.
2. Referral to internal departments was not required as the development does not affect any infrastructure.
3. The appellant has stated
 - that the covered deck was constructed over 24 years ago and no neighbors have complained
 - the uncovered deck was built last summer as it had damaged boards, and is smaller than the original one
 - there are no buildings opposite the deck and the yard is fenced with a walking path adjacent.
4. A building permit will be required should the appeal be granted.
5. There are mature trees along the adjacent property line, softening impact of side yard encroachment.
6. Leaving the decks 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.

PART V – CONCLUSIONS:

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 decks would have to be reduced 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 covered and uncovered deck as built with a variance to the side and rear yard setback, subject to the following conditions as recommended by Administration.

1. A variance is granted from the minimum setbacks of 2.5m(8.2ft) as follows and as shown on the Rear Property Report dated April 21st, 2022 signed by Paul W.K. Chan:
Side yard 1.33m(4.36ft) a variance of 46% - Covered Deck
Rear yard 0.86m(2.8ft) a variance of 66% - Uncovered Deck
2. A separate building permit be obtained. Minimum construction standards will conform to the requirements of the current Alberta Building Code.
3. **The uncovered deck as approved shall remain uncovered and unenclosed. Future deck construction is subject to separate development and building permit approval.**

Report Prepared by:



Yvonne Bilodeau, Development Officer

Report Reviewed by:

Tyler McNab Digitally signed by Tyler McNab
Date: 2022.06.07 16:50:25
-06'00'

Tyler McNab, Program Lead, Development Services



Subdivision and Development
Appeal Board
File# 022-STU-006
June 21, 2022



Aerial View of Property



Dwelling Constructed 1996
Parcel 0.2 acres in area

Section 2.8 Decision Process

District	Percentage of variance that may be granted by a Development Officer	Percentage of variance that may be granted by the Municipal Planning Commission
R4 – Hamlet Serviced	0.1 – 19.9%	20.0 – 40%

R4 Development Regulations

Minimum front yard setback	Abutting a local or collector road	5.5m (18ft)
	Flanking front yard	4.5m (14.8ft)
Minimum side yard setback	2.5m (8.2ft)	
	Zero lot line where common wall is present	
Minimum rear yard setback	2.5m (8.2ft)	
Maximum height	Principal dwelling	12m (39.4ft)
	Accessory building	6m (19.7ft)
Maximum floor area	Accessory building	140m ² (1,506.9ft ²)
Maximum parcel coverage	35%	

Pictures of Decks



Covered Deck



Uncovered Deck



Analysis

- The permit was refused in accordance with Land Use Bylaw 1385/17
- No internal referrals were required
- Appellants reasons for appeal were considered
- A building permit will be required
- There are mature trees along the adjacent property line, softening impact of side yard encroachment
- Leaving the decks 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 refusal but would require the decks to be reduced or removed.
- The Board could uphold the appeal to leave the decks as built.

Recommended conditions for the Boards consideration:

1. A variance is granted from the minimum setbacks of 2.5m(8.2ft) as follows and as shown on the Rear Property Report dated April 21st, 2022 signed by Paul W.K. Chan:

Side yard 1.33m(4.36ft) a variance of 46% - Covered Deck

Rear yard 0.86m(2.8ft) a variance of 66% - Uncovered Deck

2. A separate building permit be obtained. Minimum construction standards will conform to the requirements of the current Alberta Building Code.
3. The uncovered deck as approved shall remain uncovered and unenclosed. Future deck construction is subject to separate development and building permit approval.

APPELLANT SUBMISSIONS RECEIVED

***NOTE:**

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

ADJACENT LANDOWNER WRITTEN RESPONSES

*NOTE:

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