

**NOVEMBER 8, 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:	Dennis Wasnea	022-STU-014	Development Appeal
2.2 Appellant:	Morinville RV Park c/o Adele Maruschak	022-STU-015	Development Appeal

3. ADJOURNMENT

Appeal #1

022-STU-014 Appealing the Development Authority's refusal to construct an accessory building for personal use storage



SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		Date Received Stamp
Municipal Address of site: 50B 541E-261 RR		
Legal land description of site: ('plan, block, lot' and/or 'range-township-section-quarter') lot 20B, Bk 2 Plan 4035TR SIMONSON		
Development Permit number or Subdivision Application number: 305305-22-00297		

Appellant Information:		Severed in line with section 17 of the FOIP Act	
Name: DENNIS WASIVEA	Phone:	Agent Name: (if applicable)	
Mailing Address:			
Postal Code:		Em:	

APPEAL AGAINST (Check ONE Box Only) for multiple appeals you must _____

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

Stop Order

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

PRESENTED @ Mtg.

Severed in line with section 17 of the FOIP Act

(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: 05/22
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FOR OFFICE USE ONLY

SDAB Appeal Number:	Appeal Fees Paid:	Hearing Date:
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From: [Dennis Wasnea](#)
To: [Dianne Mason](#)
Subject: Fwd: SDAB appeal
Date: October 13, 2022 9:58:11 AM
Attachments: [image001.png](#)

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

Dianne
sorry for the delay
please see my comments below
If you need further information please let me know

Dennis Severed in line with section 17 of the FOIP Act

----- Forwarded message -----

From: Dianne Mason <dmason@sturgeoncounty.ca>
Date: Thu, 13 Oct 2022 at 09:13
Subject: SDAB appeal
To:

Good morning,

I am sorry to bother you again. I left you a voice message yesterday but perhaps you have not had a chance to hear it.

I received your Notice of Appeal for the Subdivision and Development Appeal Board but require some clarification. I am unable to confidently read the municipal address of the property, so could you please clarify that for me.

58B- 54018-RR261

Also, we do require an outline of your reasons for appeal as these are noted in the correspondence provided to adjacent landowners so, please respond to this email with a brief description.

I WOULD LIKE TO BUILD AN ACESSORY BUILDING (STORAGE) BEFORE THE PRINCIPAL BUILDING IS CONSTRUCTED

You are not required to provide all of your submissions or information at the time of

completing the Notice of Appeal so a quick outline will suffice. Finally, the fee for an appeal is \$100. If you could call Sturgeon County reception at 780-939-4321 to make your payment.

Once all this information is received, I will be able to schedule your appeal for a hearing and I will forward further correspondence to you with the date, time and instructions for your submissions should you have any.

Thank you.

Dianne Mason

Legislative Officer

780-939-8277

dmason@sturgeoncounty.ca

sturgeoncounty.ca

9613 100 Street, Morinville, AB T8R 1L9



This communication is intended for the recipient to whom it is addressed, and may contain confidential, personal, and or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply should be deleted or destroyed.



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

WASNEA, DENIS

Receipt Number: 202206961
 GST Number: 107747412RT0001
 Date: 2022-10-13
 Initials: JC

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	

October 20, 2022

SDAB File Number: 022-STU-014

Dear Dennis Wasnea:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: Plan 1620169; Block 2; Lot 20B Silver Chief
Decision Regarding Proposed Development: A development permit was refused to construct an accessory building for personal use storage

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on October 13, 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 **November 8, 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 557 799 854#. 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 November 3, 2022.

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

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board

October 20, 2022

SDAB File Number: 022-STU-014

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

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

Legal Description of Subject Property: Plan 1620169, Block 2, Lot 20B Silver Chief

Decision Regarding Proposed Development: A development permit was refused to construct an accessory building for personal use storage

Appellant/Applicant: Dennis Wasnea

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

- The appellant wants to build the accessory building before the principal building is constructed.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **November 8, 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 557 799 854#. 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 November 3, 2022.

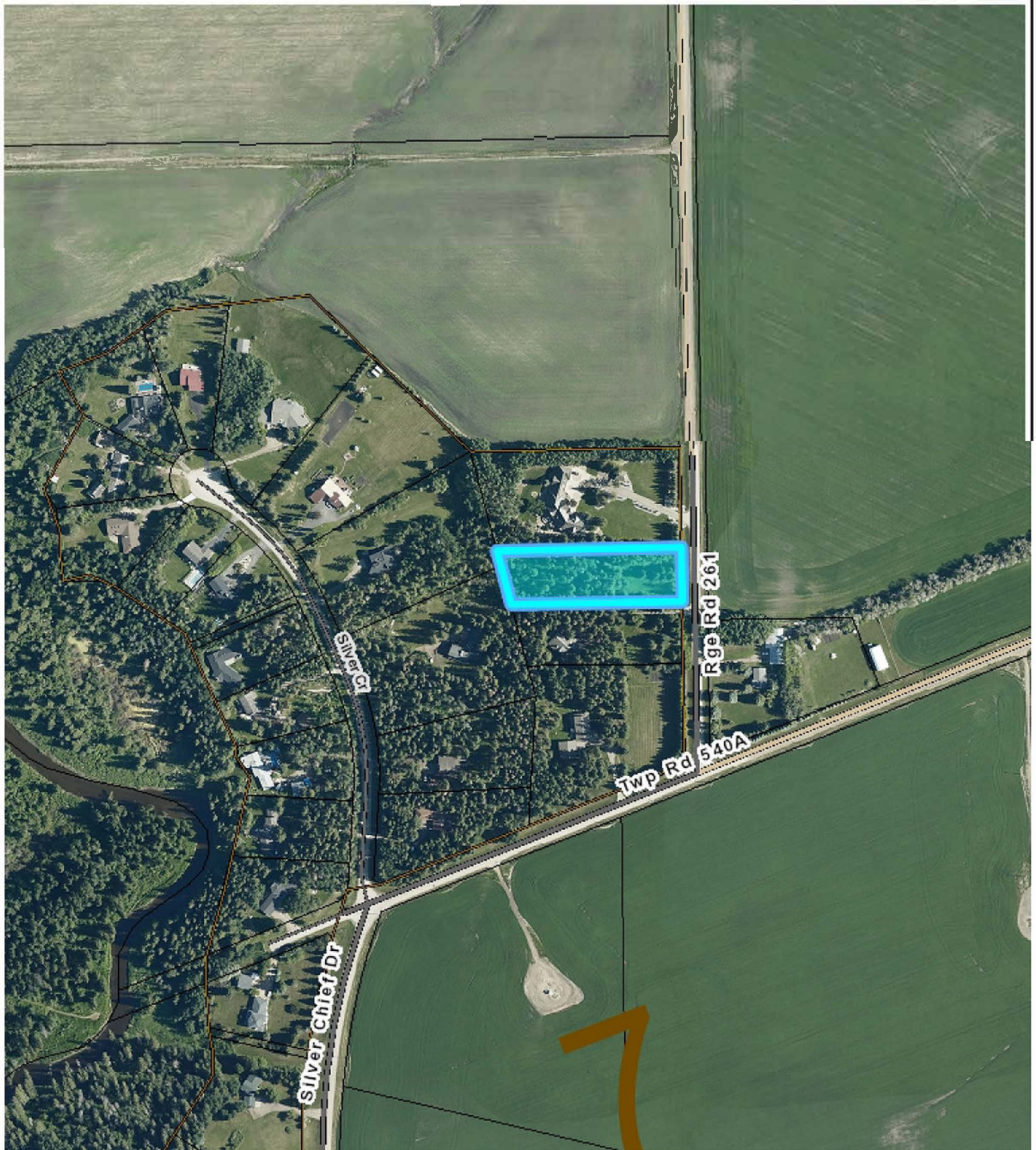
SDAB hearings are public in nature, and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include personal information (i.e., name) or business information could be disclosed at a public SDAB hearing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

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board



Prepared By:

Prepared By

NAD_1983_10TM_AEP_Resource
© Sturgeon County



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

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.
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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.

Notice of Refusal Letter

Date: Oct 7, 2022

Permit Number: 305305-22-D0297

To: Wasnea, Dennis



Info severed in keeping with Sec 17 of the FOIP Act

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-22-D0297 to construct an accessory building for personal use storage was refused on Oct 7, 2022.

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

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

Yours truly,

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

Yvonne Bilodeau
Development Officer

Development Permit

Land Use Bylaw 1385/17

Permit No.: 305305-22-D0297
Tax Roll No.: 3539023
Decision Date: Oct 7, 2022
Effective Date: Oct 28, 2022

Applicant

Name: Wasnea, Dennis

Address: [Redacted] Info severed in keeping with Sec 17 of the FOIP Act

Phone: [Redacted]

Cell: [Redacted]

Email: [Redacted]

Owner

Name: Wasnea, Dennis

Address: [Redacted]

Phone: [Redacted]

Cell: [Redacted]

Email: [Redacted]

Property Description

Legal Land Description: 1620169; 2; 20B Silver Chief

Land Use Description: Country Residential District

Rural Address: 58B 54018 Rge Rd 261

Description of Work

To construct an accessory building for personal use storage

Fees

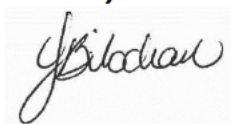
Accessory Building \$110.00

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

1. Section 6.1.4 of Land Use Bylaw 1385/17 states, *an accessory building or use is not permitted on a parcel without a principal building or use being previously developed on the parcel.*
2. Section 12.1.4 of Land Use Bylaw 1385/17 states, *the maximum floor area of an accessory building is 230m²(2,475ft²).* The accessory building is proposed to be 234.9m²(2,528ft²).
Floor area means the sum of the areas of all floors of a building measured to the outside surface of exterior walls and the centre line of fire walls but not including the floor areas of basements, attached garages, verandahs or breezeways.

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

Issued By:



Yvonne Bilodeau
Development Officer

Municipality

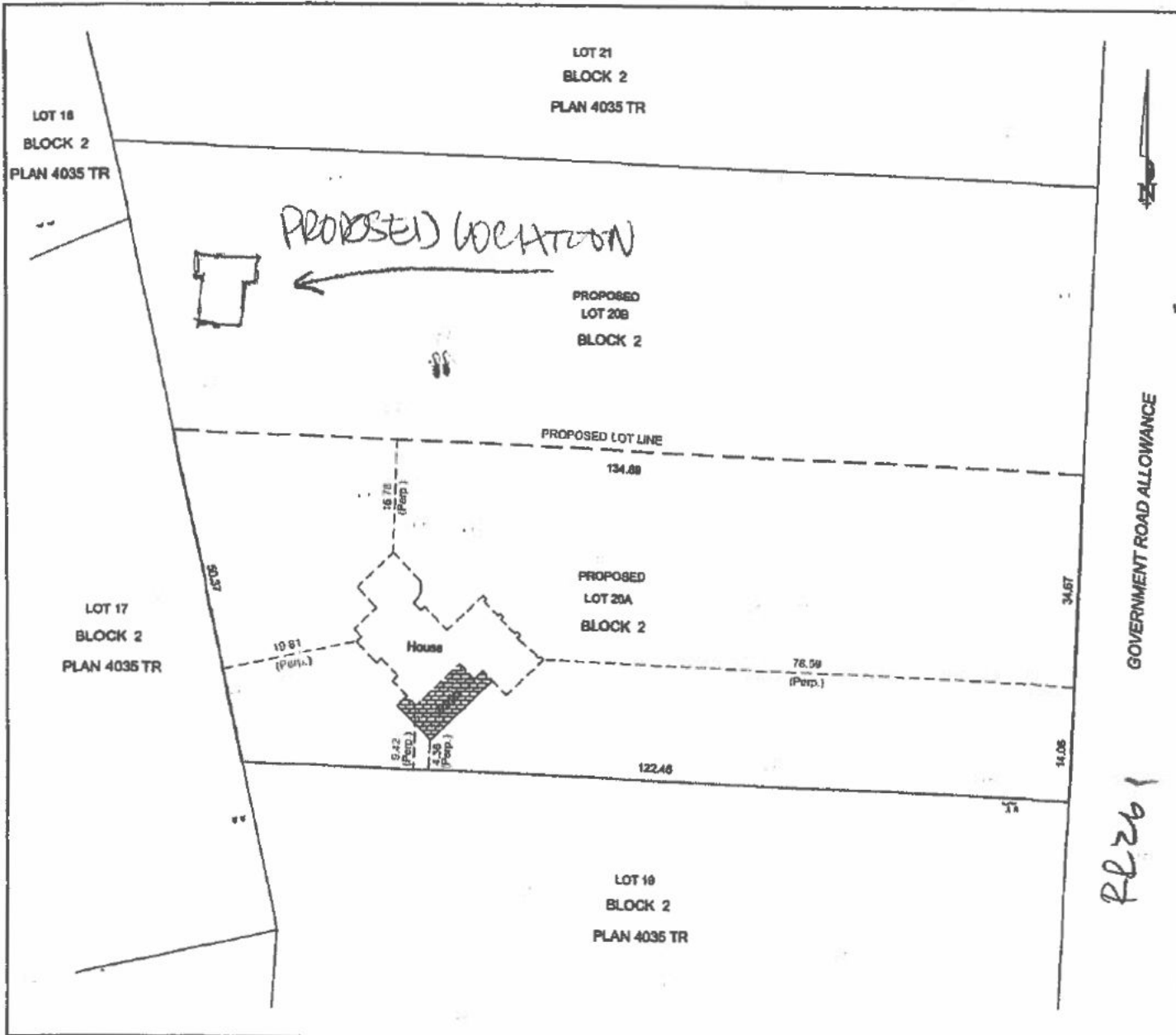
Sturgeon County
9613 – 100 Street Morinville, AB T8R 1L9
Phone: (780) 939-8275
Fax: (780) 939-2076
Toll Free: 1-866-939-9303

Appeal Information

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

If the application is the subject of a license, permit, approval, or other authorization granted by the Minister of Environment and Parks or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act, or granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission - Appeals shall be filed with the Land and Property Rights Tribunal at lpvt.appeals@gov.ab.ca 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



NOTES:

- ALL DISTANCES ARE SHOWN IN METRES AND DECIMALS THEREOF.
- ALL INFORMATION SHOWN ON THIS PLAN IS BOTH TENTATIVE AND PRELIMINARY, AND SUBJECT TO CHANGE BY THE PLAN OF SURVEY.
- PERPENDICULAR LINES SHOWN THIS WAY ARE DEALT WITH BY THIS PLAN SHOWN THIS WAY.
- SURVEY WAS PERFORMED ON SEPTEMBER 14, 2016.

11.78
(Prop.)

STURGEON COUNTY
REFUSED

J. Stodard

AUTHORIZED SIGNATURE
305305-22-D0297 Oct 7, 2022
DATE

SKETCH PLAN
SHOWING
LOCATION OF HOUSE
WITHIN PROPOSED
LOT 20A, BLOCK 2, UNREGISTERED PLAN
WITHIN THE
FRAC. E. 1/2 SEC. 2 - TWP. 54 - RGE. 26 - W. 4TH MER.
STURGEON COUNTY - ALBERTA

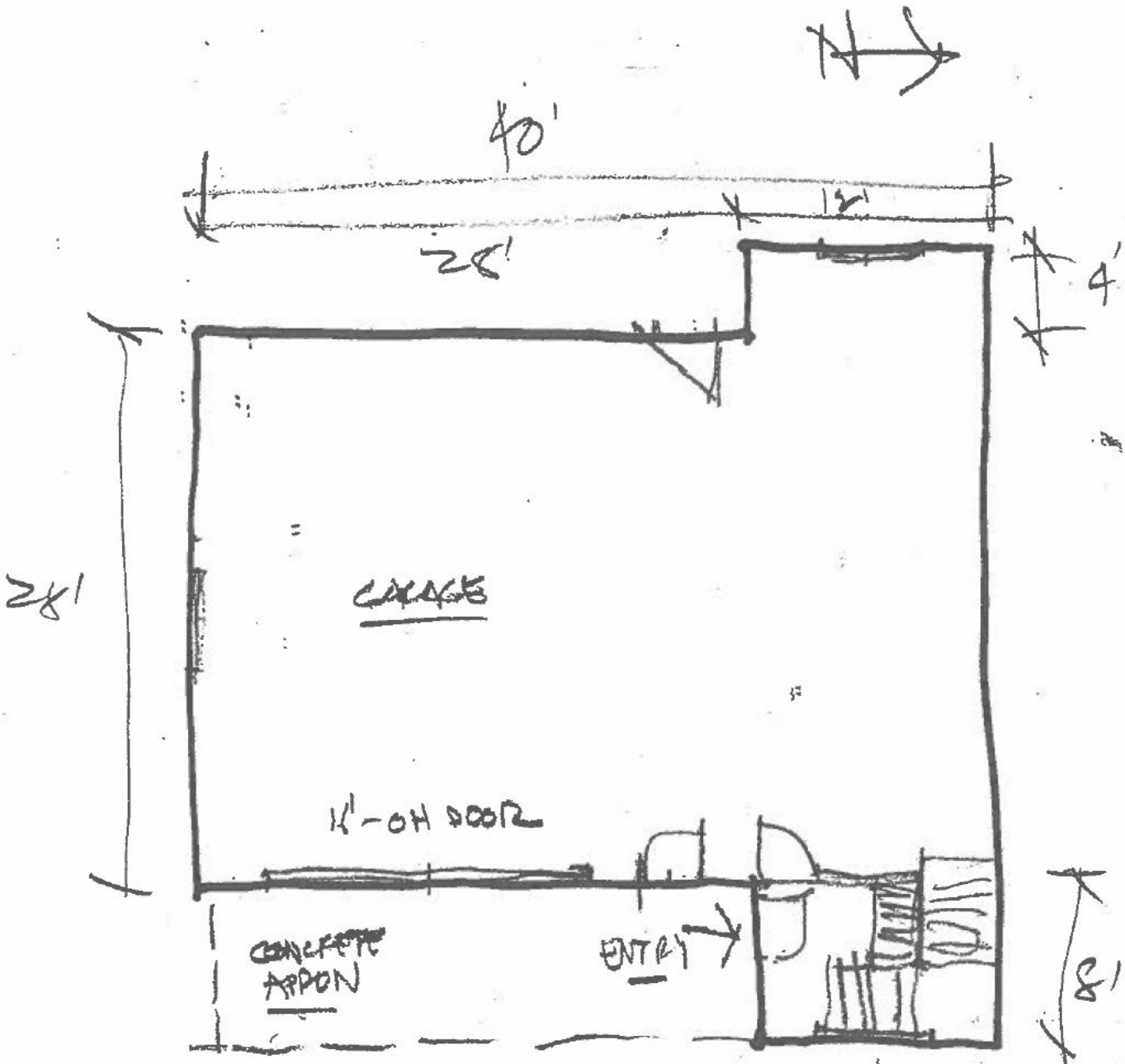
2015
SCALE: 1:200 (11x17)

0 6 12 18 24 30 METRES

Pals Geomatics
Phone (780) 435-3177 Fax (780) 431-2047
Email: admin@palsgeomatics.com
18754 - 175 Street NW, Edmonton, Alberta T5S 1G7

FILE NO. 11480288 DRAFTED BY: TR CHECKED BY: MK

AL of 6
10/3/22



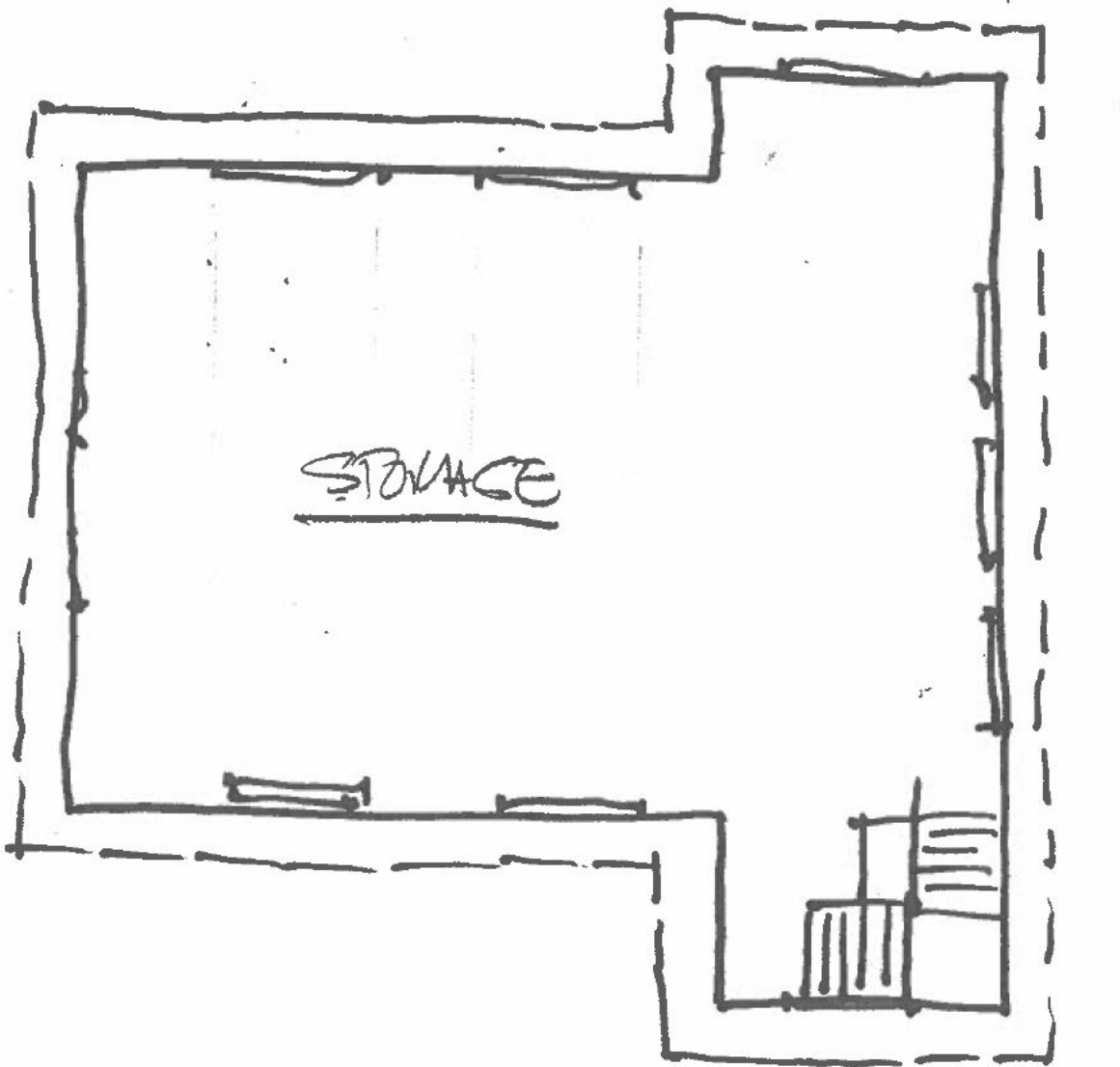
MAIN FLOOR
NTS

ADDRESS
 58854015 - RR 261
 RAN - ¹⁶²⁰¹⁶⁹ 405TH, BLDG 2, LOT 20B
 SIWEXAT157

STURGEON COUNTY
REFUSED
[Signature]
 AUTHORIZED SIGNATURE
 305305-22-D0297 Oct 7, 2022
 DATE

10/3/22

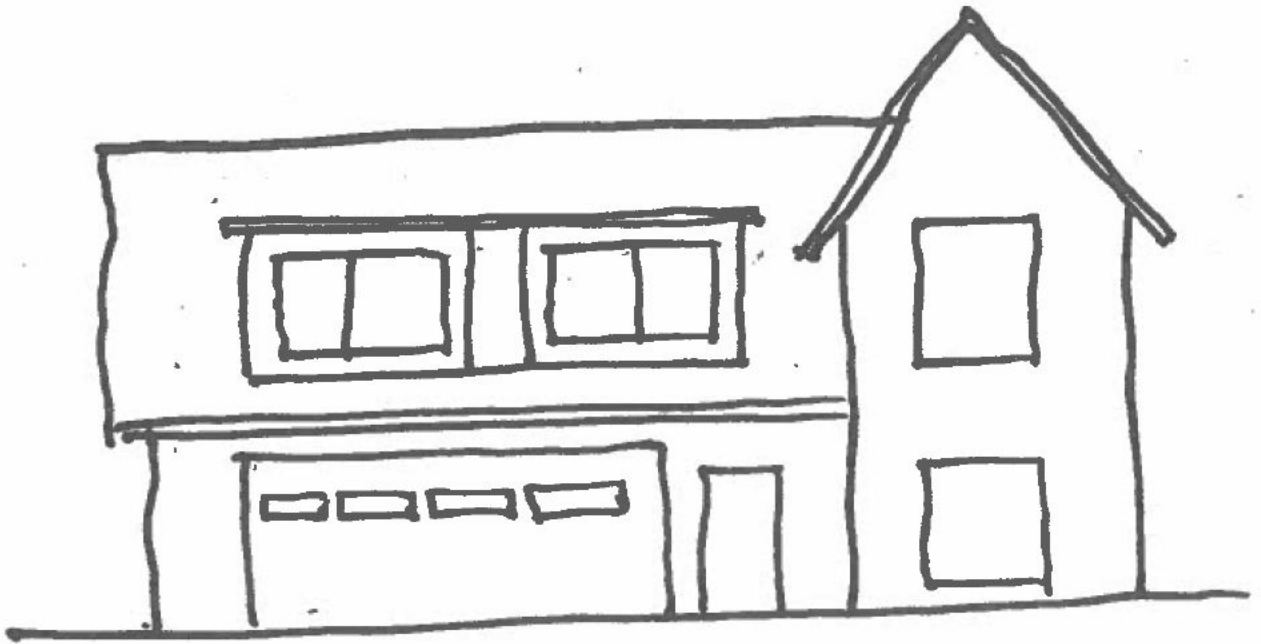
" PROPOSED STORAGE "
 DENNIS WASMA



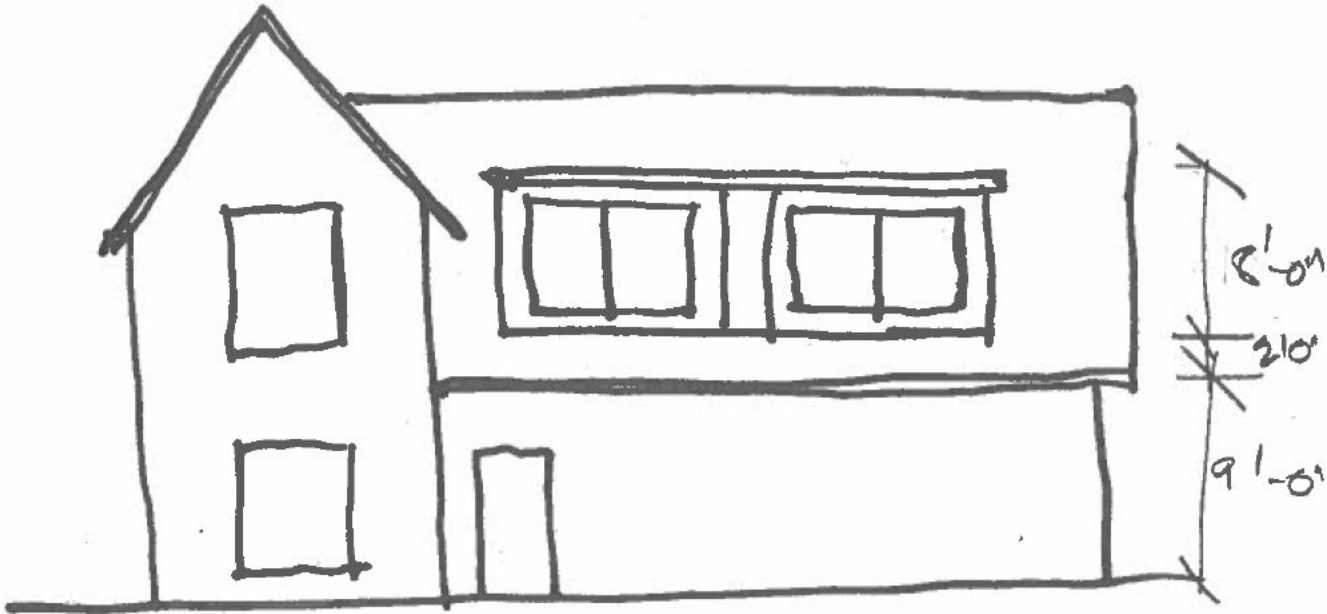
SECOND FLOOR

STURGEON COUNTY	
REFUSED	
<i>[Signature]</i>	
AUTHORIZED SIGNATURE	
305305-22-D0297	Oct 7, 2022
DATE	

A-206
10/3/22



EAST ELEVATION



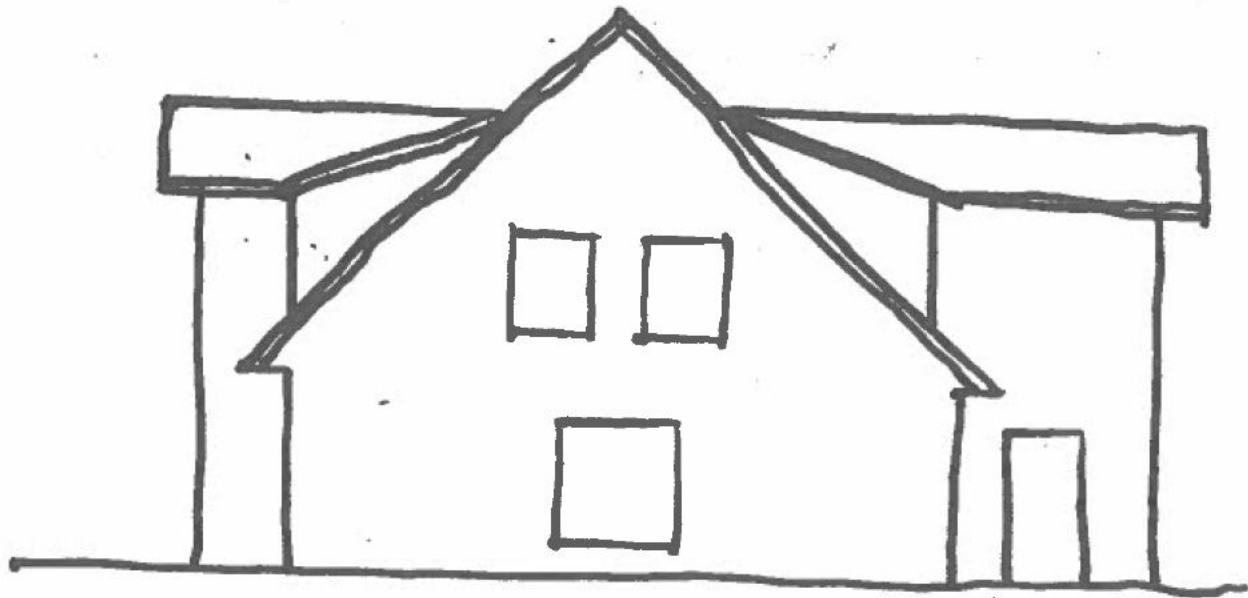
WEST ELEVATION

STURGEON COUNTY
REFUSED
J. Johnson

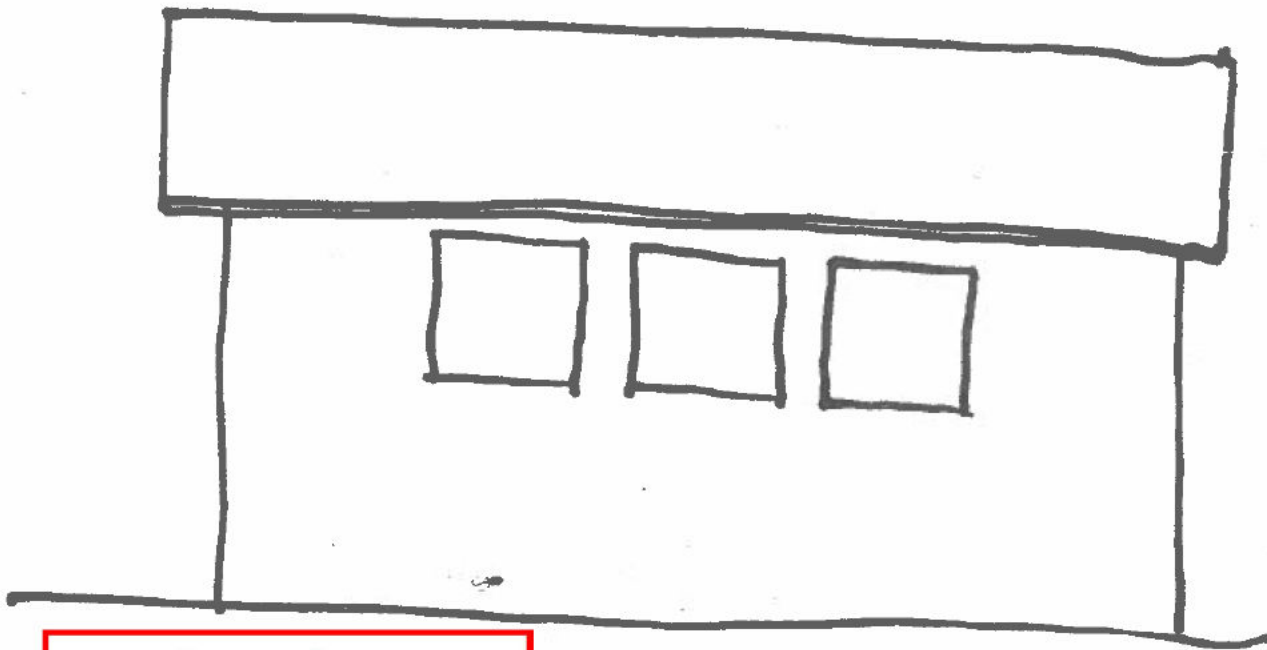
AUTHORIZED SIGNATURE
305305-22-D0297 Oct 7, 2022

DATE

A3076
10/3/22



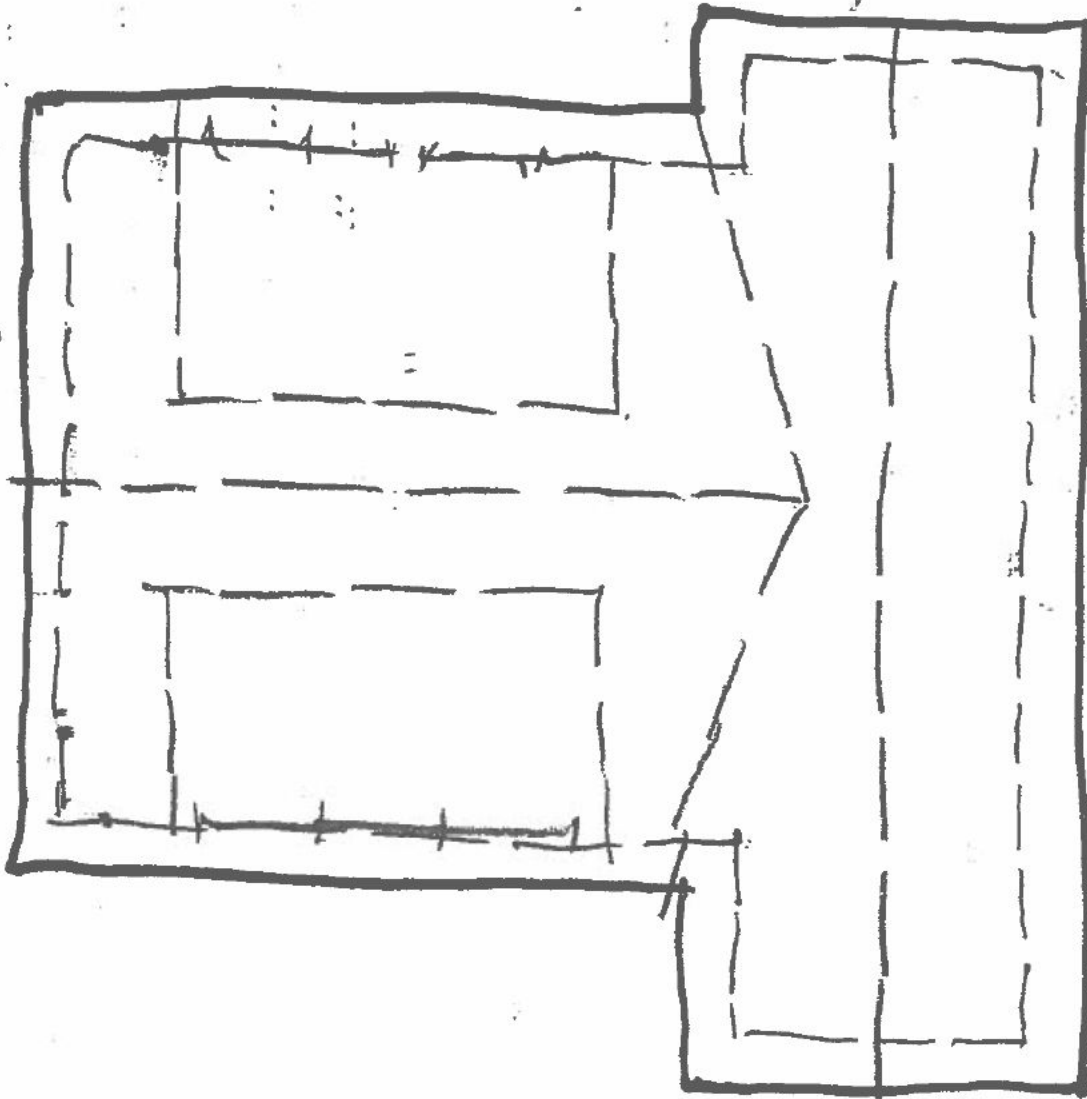
NORTH ELEVATION



SOUTH ELEVATION

STURGEON COUNTY
REFUSED
J. P. [Signature]
AUTHORIZED SIGNATURE
305305-22-D0297 Oct 7, 2022
DATE

A4 OF 6
10/3/22



Pool

STURGEON COUNTY
REFUSED
<i>[Signature]</i>
AUTHORIZED SIGNATURE
305305-22-D0297 Oct 7, 2022
DATE

45 of 6
10/3/22



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:	_____
Date Received:	_____
Received By:	_____

DEVELOPMENT PERMIT APPLICATION

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

APPLICANT INFORMATION

Complete if different from Applicant

Name of Applicant: DENNIS WASNEA	Name of Registered Land Owner:	
<div style="background-color: black; color: red; padding: 5px;"> Info severed in keeping with Sec 17 of the FOIP Act </div>	Mailing Address:	
	City:	
	Postal Code:	PH:
	Email Address:	

Contact Name: **DENNIS WASNEA**

LAND INFORMATION

Legal Description of Property All/Part _____ 1/4 Section _____ Twp. _____ Rge. _____ West of the _____ Meridian
 OR Lot **20B** Block **2** Plan No. ~~1035 TR~~ **1620169** Hamlet or Subdivision **SILVERCHIEF**
 Parcel Size: **1.5 ACRES** Rural Address: **588 54018 - RR 261**

DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply

<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional	<input checked="" type="checkbox"/> Accessory Building <input type="checkbox"/> Addition <input type="checkbox"/> Attached Garage <input type="checkbox"/> Site Grading <input type="checkbox"/> Deck <input type="checkbox"/> Other STORAGE	<input type="checkbox"/> Kennel <input type="checkbox"/> RV Storage <input type="checkbox"/> Single Family Dwelling <input type="checkbox"/> Secondary Dwelling <input type="checkbox"/> Dugout	Brief Description: _____ _____ _____ _____	Development Details: Size: 1122 ft² Height: 20' Start Date: _____ End Date: _____ Estimated Project Value: \$ 200 K (cost of material & labour)
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APPLICANT AUTHORIZATION

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

_____ Signature of Applicant(s)	_____ Date	_____ Signature of Landowner	_____ Date
------------------------------------	---------------	---------------------------------	---------------

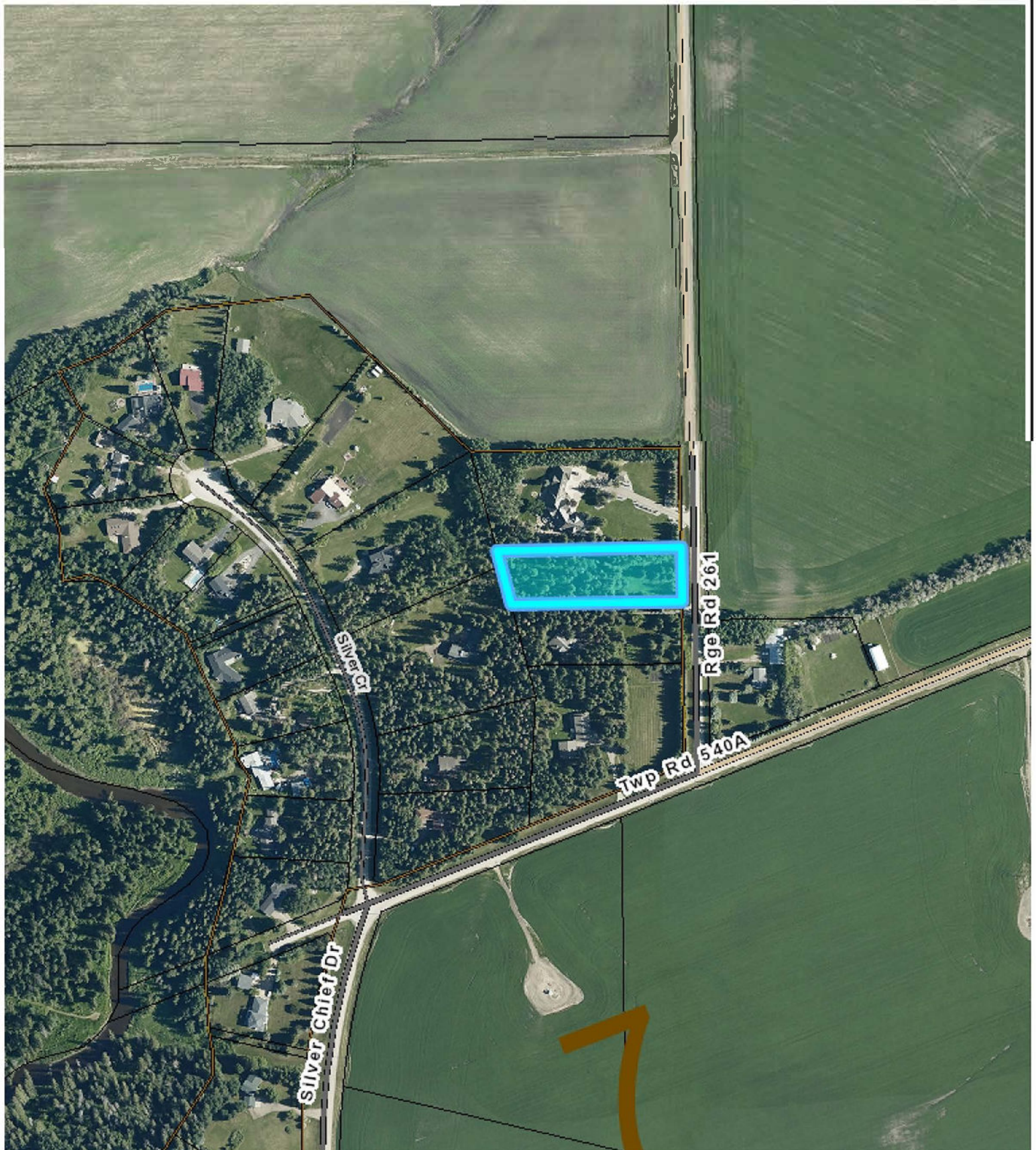
All landowners listed on title must sign this permit or a letter of authorization.
 If the land is titled to a company, a copy of the Corporate Registry must be provided.

FOR OFFICE USE ONLY

Permitted Use Discretionary Use

Fee \$ **10.00** Penalty \$ _____ Receipt# _____ Tax Roll# **3539023** District **R1**

Payment Method: Cash / Cheque / Debit / VISA / Mastercard



Prepared By:

Prepared By

NAD_1983_10TM_AEP_Resource
© Sturgeon County



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PLANNING AND DEVELOPMENT SERVICES REPORT

Subdivision & Development Appeal Board
File Number 22-STU-014

FILE INFORMATION

Department File:	305305-22-D0297
Legal Land Description:	Lot 20B, Block 2, Plan 1620169
Relative Location:	Silver Chief
Appellant:	Wasnea, Dennis
Landowner:	Wasnea, Dennis
Description of Appeal:	Appealing the decision of the Development Authority, Refusal to construct an accessory building for personal use storage
Land Use Bylaw District:	R1 – Country Residential District
Tax Roll Number:	3539023

PROPERTY INFORMATION

- The parcel is 1.47ac and is developed with a 90ft² shed built in 2016. Sheds under 110ft² do not require a development or building permit, however are also not permitted prior to a principal building.
- The parcel was originally 3.02ac and was split by Subdivision File 2013-S-047. The applicant was Mr. Wasnea.
- There is no approach allowing access to the parcel from Rge Rd 261.

BACKGROUND

- Mr. Wasnea was in discussion with Administration about his proposal where it was explained that the regulations of the Land Use Bylaw does not allow the Development Authority to approve an accessory building prior to a principal building.
- Discussions also took place regarding his intent of constructing a suite in the second storey of the building. This option could have been supported and issued a permit as a dwelling however Mr. Wasnea disclosed that construction of the dwelling portion would not take place for many years or in his lifetime.
- The application was submitted as an accessory building.
- The Development Authority refused the application for the reason stated above and that the building exceeded the maximum floor area for an accessory building.
- The landowner appealed the decision.

RELIVANT POLICY/LEGISLATION

Land Use Bylaw 1385/17

SECTION 6.1 ACCESSORY USE, ACCESSORY BUILDING AND ACCESSORY AGRICULTURAL BUILDING

.4 Except as otherwise provided for in this Section, for any district, an *accessory building* or *use* is not *permitted* on a *parcel* without a *principal building* or *use* being previously developed on the *parcel*.

- A Principal Building is defined as *a building which constitutes the primary purpose for which the parcel is used and is the main building among one or more buildings on the site. The principal building shall be determined by the Development Authority.*
- An Accessory Building is defined as *a building or structure that is incidental, subordinate and located on the same parcel as the principal building but does not include a building or structure used for human habitation and does not include shipping containers, or Cannabis Production and Distribution or Cannabis Retail Sales.*
- Floor area is defined as *the sum of the areas of all floors of a building measured to the outside surface of exterior walls and the centre line of fire walls but not including the floor areas of basements, attached garages, verandahs or breezeways.*

SECTION 12.1 R1 – Country Residential District
.1 General Purpose

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

Minimum <i>front yard setback</i>	<i>Abutting a local road</i>	12m (39.4ft)
	<i>Abutting collector road</i>	35m (114.8ft)
	<i>Flanking front yard</i>	10m (32.8ft)
Minimum <i>side yard setback</i>	<i>Principal building</i>	6m (19.7ft) or 10% of the <i>parcel width</i> , whichever is lesser, not to be less than 2.5m (8.2ft)
	<i>Accessory building</i>	3m (9.8ft)
Minimum <i>rear yard setback</i>	<i>Principal building</i>	6m (19.7ft)
	<i>Accessory building</i>	3m (9.8ft)

Maximum <i>height</i>	<i>Principal building</i>	12m (39.4ft)
	<i>Accessory building</i>	8m (26.2ft)
Maximum <i>floor area</i>	<i>Accessory building</i>	230m ² (2,475.7ft ²)
Maximum <i>parcel coverage</i>		15%

ANALYSIS

- The development permit application was refused in accordance with regulations 6.1.4 and 12.1.4 of the Land Use Bylaw 1385/17.
- The appellants reason for appeal is: *"I would like to build an accessory building (storage) before the principal building is constructed."*
- As indicated in the General Purpose for the Country Residential District, the intent is to accommodate uses in a **residential context**. Which means the primary use is for residential purposes prior to any other uses being allowed. A stand alone accessory building does not meet the intent of the districts residential context.
- Silver Chief is a residential community with all other parcels except the subject parcel being developed with a dwelling.
- Allowing an accessory building to be constructed prior to a dwelling indicates that residential parcels can primarily be used for storage and could even have unintended consequences of commercial use when parcels are sold.
- The definition of Accessory Building states that it is incidental and subordinate. A google search of those words are "incidental - accompanying but not a major part of something" and "subordinate - of less importance, secondary"
- The proposed accessory building is 234.9m²(2,582ft²) which exceeds the maximum floor area by 4.9m²(53ft²). While the footprint of the building is only 117.4m²(1,264ft²), the definition for floor area is deemed to be the total of all floors. If granted approval a variance to the maximum floor area shall also be granted. Condition #6
- An approach was never constructed as part of the subdivision approval. Should the Board approve the development, a paved approach must be installed as a condition. It is understood that the building may be accessed by adjacent Lot 20A, however should the subject lot be sold, it shall have legal access. Condition #8
- Referral to internal departments was not required as the development does not affect any infrastructure.
- Allowing an accessory building prior to a dwelling being constructed may unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighboring properties.
- The Board should consider whether the personal use of an accessory building is a residential use without a residence being located on the parcel.

CONCLUSION

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

Or

The Board could choose to uphold the appeal and grant the construction of an accessory building for personal use with a variance to the maximum floor area, subject to the following conditions as recommended by Administration.

1. Prior to any construction occurring on site, a separate building permit shall be obtained and approved. Minimum construction standards shall conform to the requirements of the current Alberta Building Code.
2. The applicant/landowner shall ensure that any development, construction, building, or use within the parcel shall comply with and is in accordance with the recommendations contained in the Geotechnical Investigation prepared by J.R. Paine & Associates Ltd. Report No: 4905-2 dated October 2015.
3. Separate electrical, plumbing, gas and/or private septic disposal system permits be obtained as required.
4. The following minimum accessory building setbacks to property lines be adhered to:

Front yard:	12m (39.4ft)
Side yard:	3m (9.8ft)
Rear yard:	3m (9.8ft)
5. The accessory building shall not be used as a dwelling.
6. A variance is granted to the maximum floor area of an accessory building which shall not exceed 234.9m² (2,528ft²) in building area and 8m (26.2ft) in height.
7. The accessory building as approved shall not be used for purposes related to the operation of any commercial business and shall be used for personal use only.
8. The applicant/landowner shall apply for and construct a physical approach accessing from the Municipal Road in conformance with the specifications of Sturgeon County's General Municipal Servicing Standards.
9. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. In the event that the drainage of a development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.
10. 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. Any excavation, storage or piling up of materials required during the construction stage shall have all necessary safety measures undertaken and the owner of such materials or excavation

assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

11. If the development authorized by this permit is not commenced within 12 months from the date of its issuance, or is not carried out with reasonable diligence, the permit approval ceases and the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Approving Authority.
12. No person shall keep or permit in any district any object or chattel which, in the opinion of the Development Approving Authority, is unsightly or tends to adversely affect the amenities of the district. Any excavation, storage or piling up of materials required during the construction stage shall have all necessary safety measures undertaken and the owner of such materials or excavation assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work. **A garbage receptacle shall be placed on site during the construction stage and be removed upon completion.**

Advisory Notes:

1. Please be advised an approved building permit is required prior to any construction occurring on site. Construction occurring prior to the issuance of a building permit is subject to a double fee penalty. Early excavation, prior to building permit approval, can result in standing water, potential for freezing and can cause safety hazards for neighbouring properties if the area is open for longer than necessary.
2. Please contact Alberta 1 Call at 1-800-242-3447 for utility locates at least two days prior to the commencement of construction. The development cannot encroach into or over a utility easement or right of way.
3. It is the responsibility of the applicant/landowner to ensure that all development, and activities associated with the development, complies with any federal, provincial, or municipal laws/legislation and any required license, permit, approval, authorization, regulation, or directive.

Prepared By:



Yvonne Bilodeau, Development Officer

Reviewed By:

Tyler McNab

Digitally signed by Tyler McNab
Date: 2022.10.24 14:40:49 -06'00'

Tyler McNab, Program Lead, Development & Safety Codes

022-STU-14

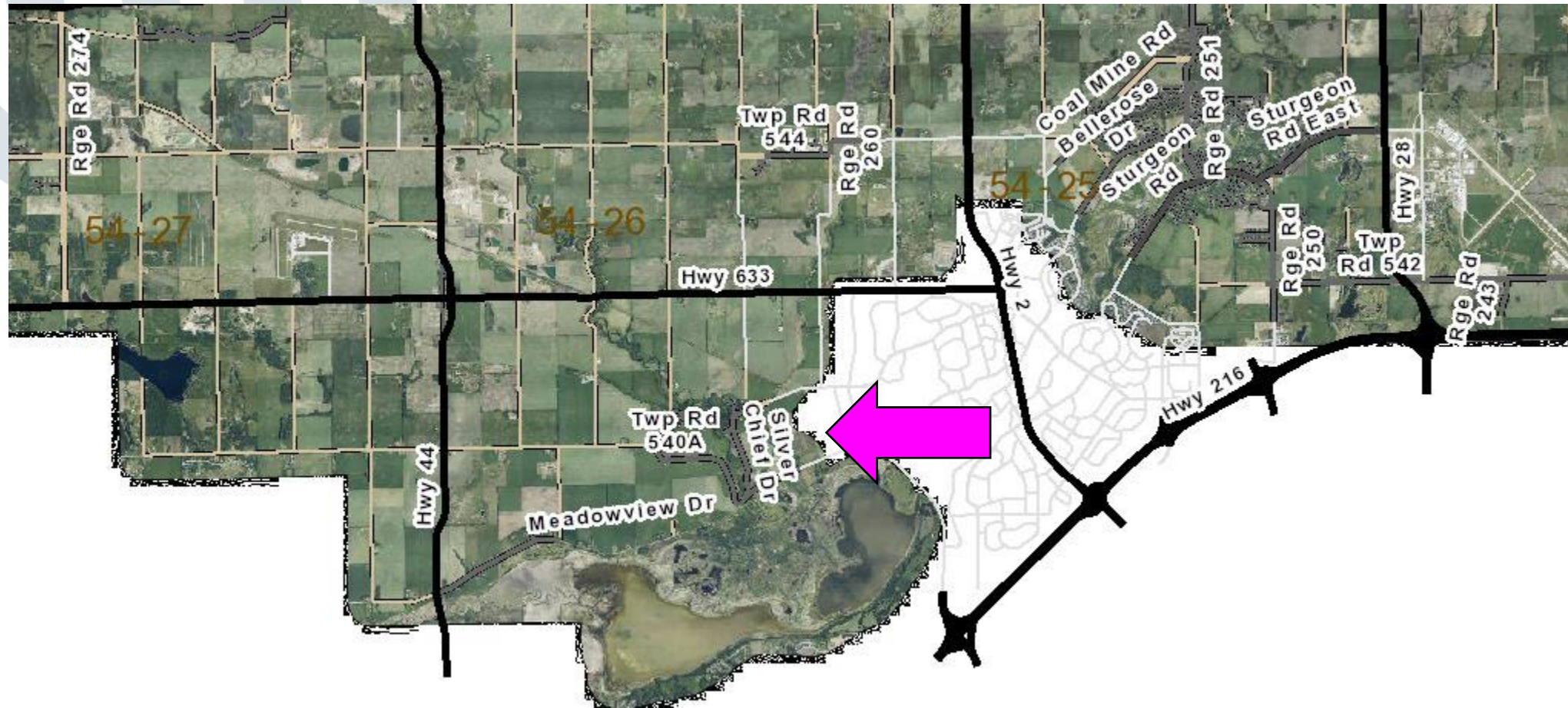
Development Authority Report

2022-11-08



Sturgeon
C O U N T Y

Site Location (Silver Chief)



Site Location



Property Information

58B 54018 Rge Rd 261

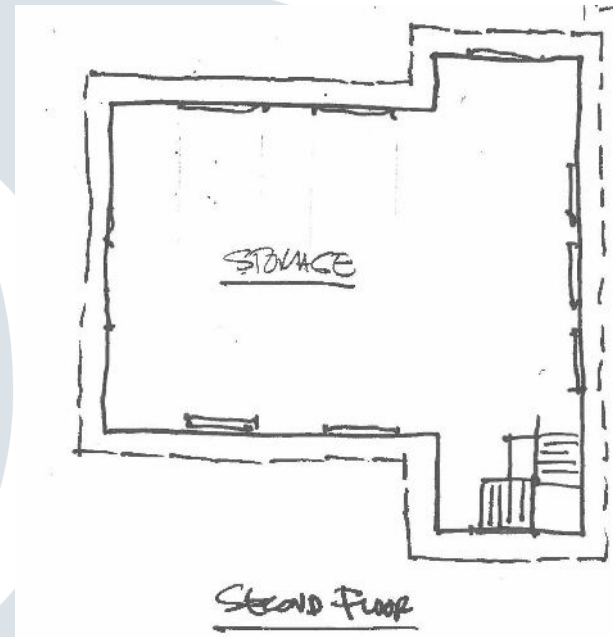
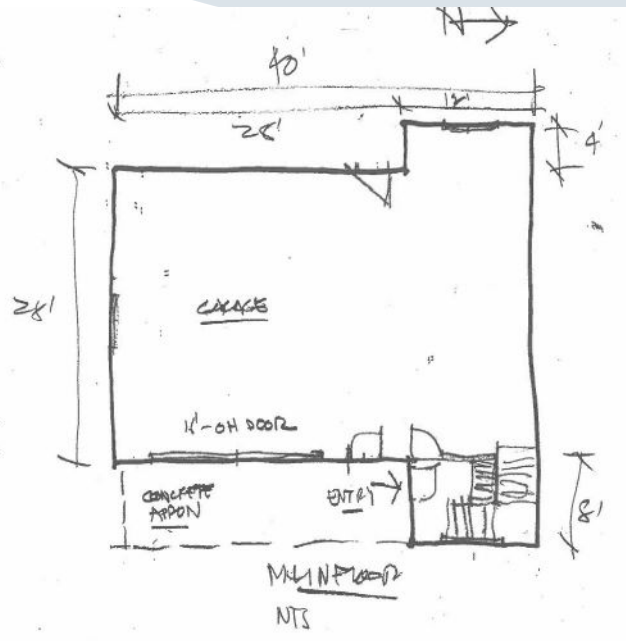
Lot 20B, Block 2, Plan 1620169



- R1 – Country Residential District
- Parcel size 1.47ac
- 2013-S-047 Subdivided by Mr. Wasnea
- Developed with one shed
- No approach

Background

- Discussed proposal with Administration, explained regulations and reason to refuse.
- Intent of Applicant to develop a dwelling but uncertain of when.
- Application submitted for an accessory building.
- Development Authority refused.
- Landowner appealed.



Relevant Policy & Legislation

Land Use Bylaw 1387/17

SECTION 6.1 ACCESSORY USE, ACCESSORY BUILDING AND ACCESSORY AGRICULTURAL BUILDING

.4 Except as otherwise provided for in this Section, for any district, an accessory building or use is not permitted on a parcel without a principal building or use being previously developed on the parcel.

Definitions and Terminology

A **Principal Building** is defined as a building which constitutes the primary purpose for which the parcel is used and is the main building among one or more buildings on the site. The principal building shall be determined by the Development Authority.

An **Accessory Building** is defined as a building or structure that is incidental, subordinate and located on the same parcel as the principal building but does not include a building or structure used for human habitation and does not include shipping containers, or Cannabis Production and Distribution or Cannabis Retail Sales.

Floor area is defined as the sum of the areas of all floors of a building measured to the outside surface of exterior walls and the centre line of fire walls but not including the floor areas of basements, attached garages, verandahs or breezeways.

Relevant Policy & Legislation

Land Use Bylaw 1387/17

SECTION 12.1 R1 – Country Residential District

.1 General Purpose

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

.4 Development Regulations

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

Analysis

- The permit was refused in accordance with the Land Use Bylaw
- Appellants reason for appeal is *“I would like to build an accessory building (storage) before the principal building is constructed.”*
- The proposal does not meet the General Purpose for the Country Residential District.
- Allowing the building prior to a dwelling indicates residential parcels can be used for storage and unintended use of commercial when sold.
- Does meet the interpretation of “accessory”.
- Exceeds the maximum floor area regulation by 4.9m²(53ft²) and requires a variance.
- The landowner must install a paved approach
- May unduly interfere with the amenities of the neighborhood or materially affect the use, enjoyment or value of neighboring properties.
- The Board should consider whether the personal use of an accessory building is a residential use without a residence first being located on the parcel.

Conclusion

Recommendation

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

Or

The Board could choose to uphold the appeal and grant the construction of an accessory building for personal use with a variance to the maximum floor area, subject to the following conditions as recommended by Administration.

1. Prior to any construction occurring on site, a separate building permit shall be obtained and approved. Minimum construction standards shall conform to the requirements of the current Alberta Building Code.
2. The applicant/landowner shall ensure that any development, construction, building, or use within the parcel shall comply with and is in accordance with the recommendations contained in the Geotechnical Investigation prepared by J.R. Paine & Associates Ltd. Report No: 4905-2 dated October 2015.
3. Separate electrical, plumbing, gas and/or private septic disposal system permits be obtained as required.
4. The following minimum accessory building setbacks to property lines be adhered to:

Front yard:	12m (39.4ft)
Side yard:	3m (9.8ft)
Rear yard:	3m (9.8ft)

Conclusion

5. The accessory building shall not be used as a dwelling.
6. A variance is granted to the maximum floor are of an accessory building which shall not exceed 234.9m² (2,528ft²) in building area and 8m (26.2ft) in height.
7. The accessory building as approved shall not be used for purposes related to the operation of any commercial business and shall be used for personal use only.
8. The applicant/landowner shall apply for and construct a physical approach accessing from the Municipal Road in conformance with the specifications of Sturgeon County's General Municipal Servicing Standards.
9. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. In the event that the drainage of a development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.
10. Exterior storage of good 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. Any excavation, storage or piling up of materials required during the construction stage shall have all necessary safety measures undertaken and the owner of such materials or excavation assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
11. If the development authorized by this permit is not commenced within 12 months from the date of its issuance, or is not carried out with reasonable diligence, the permit approval ceases and the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Approving Authority.

Conclusion

12. No person shall keep or permit in any district any object or chattel which, in the opinion of the Development Approving Authority, is unsightly or tends to adversely affect the amenities of the district. Any excavation, storage or piling up of materials required during the construction stage shall have all necessary safety measures undertaken and the owner of such materials or excavation assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work. A garbage receptacle shall be placed on site during the construction stage and be removed upon completion.

Advisory Notes:

1. Please be advised an approved building permit is required prior to any construction occurring on site. Construction occurring prior to the issuance of a building permit is subject to a double fee penalty. Early excavation, prior to building permit approval, can result in standing water, potential for freezing and can cause safety hazards for neighbouring properties if the area is open for longer than necessary.
2. Please contact Alberta 1 Call at 1-800-242-3447 for utility locates at least two days prior to the commencement of construction. The development cannot encroach into or over a utility easement or right of way.
3. It is the responsibility of the applicant/landowner to ensure that all development, and activities associated with the development, complies with any federal, provincial, or municipal laws/legislation and any required license, permit, approval, authorization, regulation, or directive.

022-STU-14

Development Authority Report

2022-11-08




Sturgeon
C O U N T Y

Appeal #2

022-STU-015 Appealing the
Development Authority's refusal to leave an
existing building (Administration building)
as built with a variance to the flanking front
yard setback

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		
Municipal Address of site: 55529 Rg Rd 254 Sturgeon County		
Legal land description of site: ('plan, block, lot' and/or 'range-township-section-quarter') NW 33-55-25-W4		
Development Permit number or Subdivision Application number: 305305-22-D0299		
Appellant Information:		Severed in line with section 17 of the FOIP Act
Name: Adele Maruschak	Phone: 780-939-6040 or	Agent Name: (if applicable)
Mailing Address: Box 3032	City, Province: Morinville AB	
Postal Code: T8R-1R9	Email: res@morinvillevnpark.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

Building has been in place for over 25 years - would be difficult to move because of underground wiring for power, phones, security gate etc.

(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: Adele Maruschak	Date: Oct 12/22
FOR OFFICE USE ONLY	
SDAB Appeal Number:	Appeal Fees Paid: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: 2022/11/08 YYYY/MM/DD



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

1170372 AB LTD
 C/O ADELE MARUSCHAK
 BOX 3032
 MORINVILLE, AB T8R 1R9

Receipt Number: 202206941
 GST Number: 107747412RT0001
 Date: 2022-10-12
 Initials: CS

Account	Description	Prev Bal	Payment	Balance
16APP	APPEAL FEES - LEGISLATIVE SI		\$100.00	
			Subtotal: \$100.00	
			Taxes: \$0.00	
			Total Receipt: \$100.00	
			Cheque: \$100.00	Cheque No. 000349
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	

October 20, 2022

SDAB File Number: 022-STU-015

Dear Morinville RV Park:
c/o Adele Maruschak

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: NW 33-55-25-W4
Decision Regarding Proposed Development: To leave an existing accessory building (Administration building) as built with a variance to the flanking front yard setback

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on October 12, 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 **November 8, 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 557 799 854#. 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 November 3, 2022.

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

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board

October 20, 2022

SDAB File Number: 022-STU-015

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: NW 33-55-25-W4

Decision Regarding Proposed Development: A development permit was refused to leave an existing accessory building (Administration building) as built with a variance to the flanking front yard setback

Appellant/Applicant: Morinville RV Park

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

- The building has been in place for over 25 years.
- It would be difficult to move because of the underground wiring for power, phones, and security gate.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **November 8, 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 557 799 854#. 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 November 3, 2022.

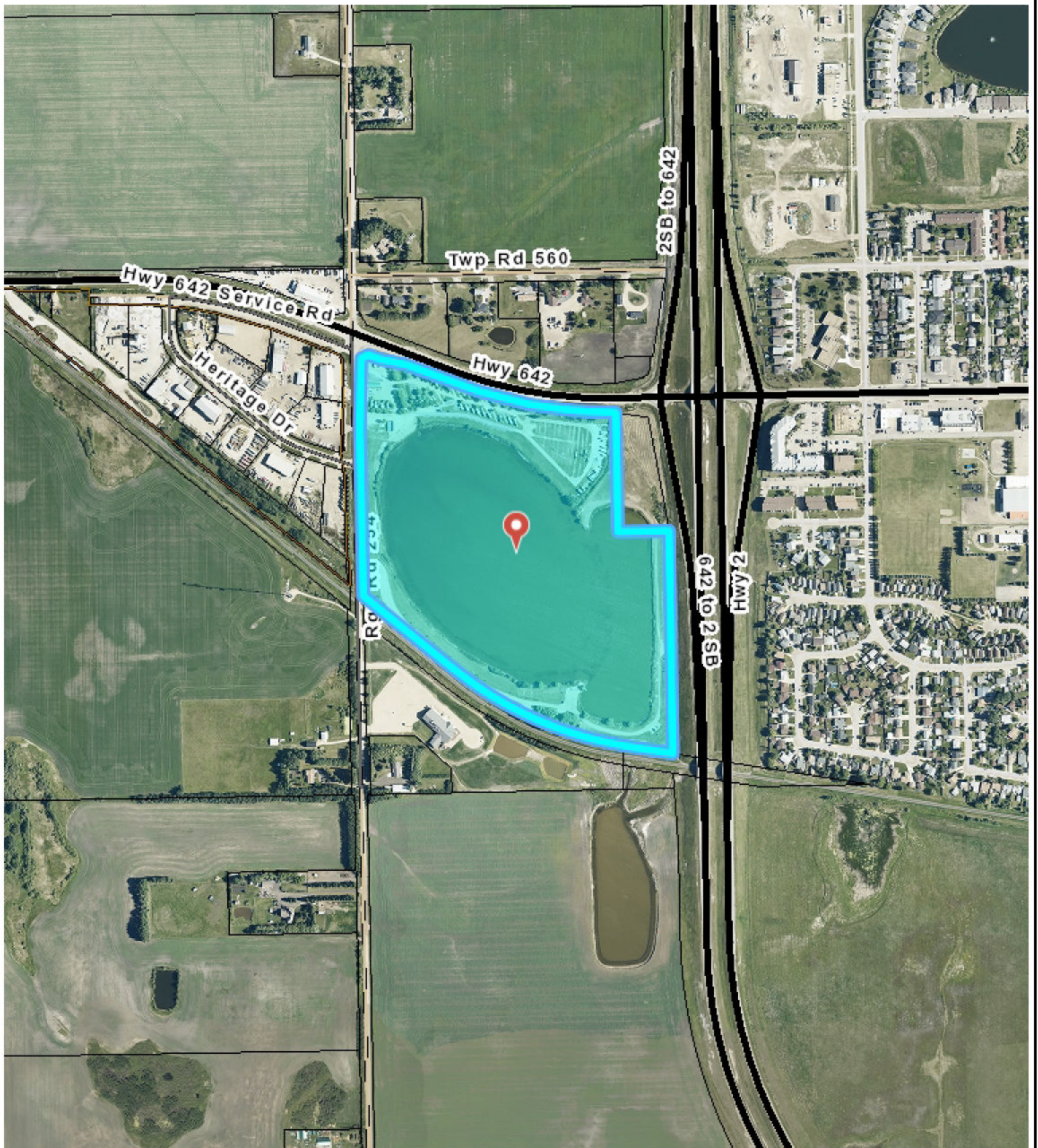
SDAB hearings are public in nature, and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include personal information (i.e., name) or business information could be disclosed at a public SDAB hearing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

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

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

Dianne Mason
Secretary, Subdivision and Development Appeal Board



Prepared By:

Prepared By

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© Sturgeon County

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.



Subdivision and Development Appeal Hearing Process

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

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

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

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

At the hearing . . .

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

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

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



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

Notice of Refusal Letter

Date: Oct 7, 2022

Permit Number: 305305-22-D0299

To: Morinville RV Park
Box 3032
Morinville, ALBERTA
T8R 1R9

Re: Decision of the Development Officer

Dear Sir or Madam:

Please be advised that development permit #305305-22-D0299 to leave an existing accessory building (Administration building) as built with a variance to the flanking front yard setback was refused on Oct 7, 2022.

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

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

Yours truly,

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

Yvonne Bilodeau
Development Officer

Development Permit

Land Use Bylaw 1385/17

Permit No.:	305305-22-D0299
Tax Roll No.:	3089001
Decision Date:	Oct 7, 2022
Effective Date:	Oct 28, 2022

Applicant

Name: Morinville RV Park
Address: Box 3032
Morinville, ALBERTA
T8R 1R9
Phone: (780)939-6040
Cell: [REDACTED]
Email: res@morinvillervpark.com

Owner

Name: Town of Morinville
Address: 10125 - 100 Avenue
Morinville, ALBERTA
T8R 1L6
Phone: (780)939-4361
Cell: [REDACTED]
Email: jordan.betteridge@morinville.ca

Info severed in keeping with Sec 17 of the FOIP Act

Property Description

Legal Land Description: Pt NW 33-55-25-W4
Land Use Description: Recreational District
Rural Address: 55529 Rge Rd 254

Description of Work

To leave an existing accessory building (Administration building) as built with a variance to the flanking front yard setback

Fees

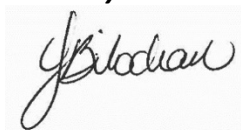
Discretionary Use / Variance Request	\$100.00
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The application is **REFUSED** for the following reasons:

1. Section 15.7.4 of Land Use Bylaw 1385/17 states, *the minimum flanking front yard setback is 6m(19.7ft)*. A variance is requested to relax the required setback to 3.59m(11.8ft). Therefore, the requested variance is 2.41m(7.9ft) or 40%.
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 REC-Recreational District is 25%.

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

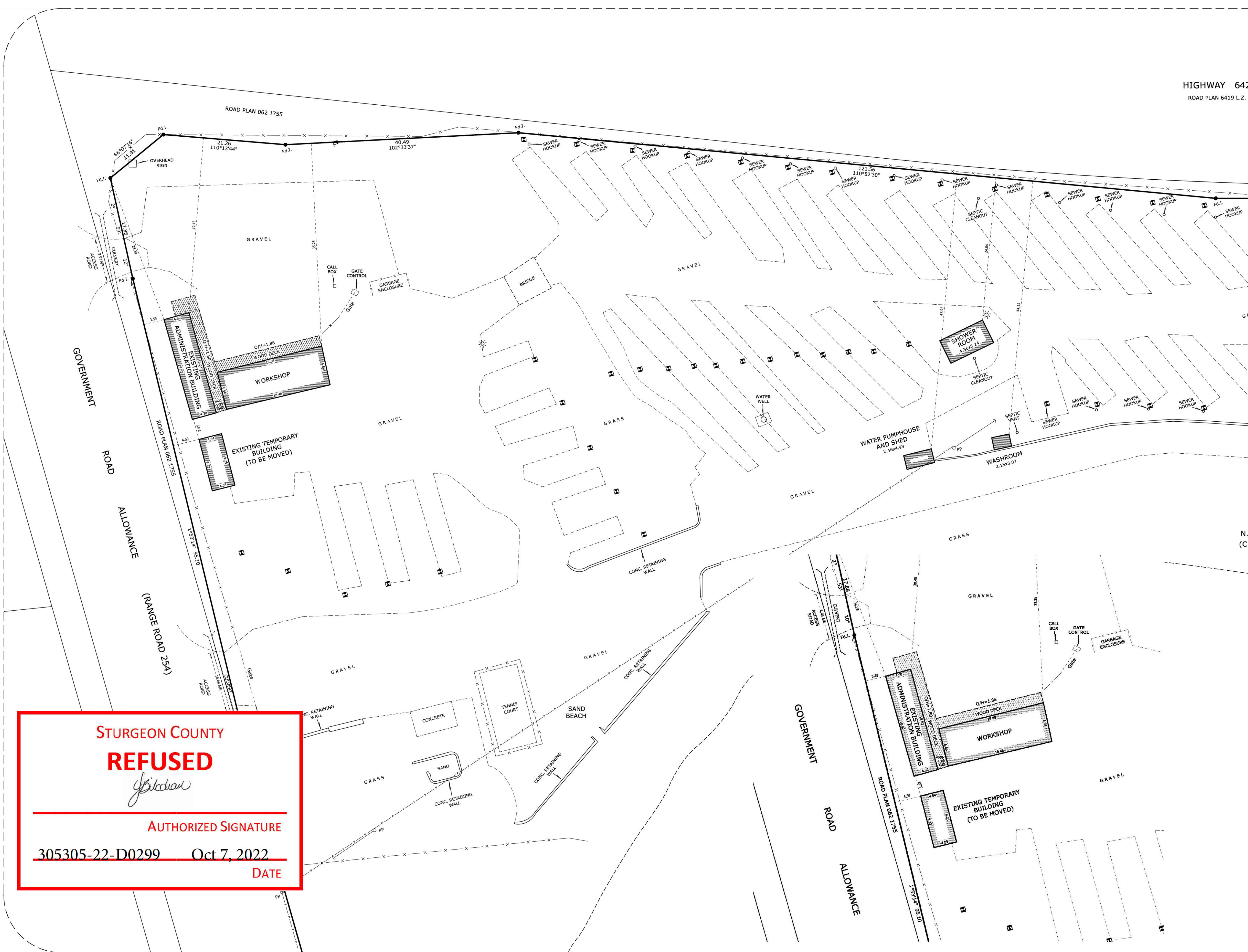
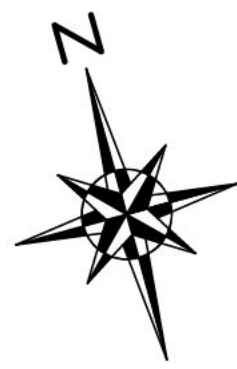
Sturgeon County
9613 – 100 Street Morinville, AB T8R 1L9
Phone: (780) 939-8275
Fax: (780) 939-2076
Toll Free: 1-866-939-9303

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 lp.rta.appeals@gov.ab.ca or by mail to 2nd Floor, Summerside Business Center, 1229 91 Street SW, Edmonton, AB, T6X 1E9. Telephone enquiries can be made to 780-427-2444.

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



STURGEON COUNTY
REFUSED
J. Peterson
AUTHORIZED SIGNATURE
305305-22-D0299 Oct 7, 2022
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:	_____
Date Received:	<u>OCT 5/22</u>
Received By:	<u>YB</u>

DEVELOPMENT PERMIT APPLICATION

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

APPLICANT INFORMATION

Complete if different from Applicant

Name of Applicant: <u>Heritage Lake Campground</u>		Name of Registered Land Owner: <u>Town of Morinville</u>	
Mailing Address: <u>Box 3030</u>		Mailing Address: _____	
City: <u>Morinville AB</u>		City: _____	
Postal Code: <u>T8R-1R9</u>	PH: <u>780-939-6040</u>	Postal Code: _____	PH: _____
E-mail Address: <u>res@morinvilleovpark.com</u>		Email Address: _____	

Contact Name: _____

LAND INFORMATION

Legal Description of Property All/Part NW 1/4 Section 33 Twp. 55 Rge. 25 West of the 4 Meridian

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

Parcel Size: _____ Rural Address: _____

DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply

<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Accessory Building	<input type="checkbox"/> Kernel	Brief Description: <u>Existing</u> <u>Office</u> <u>Bldg</u> <u>Bldg #9</u>	Development Details: Size: _____ Height: _____ Start Date: _____ End Date: _____ Estimated Project Value: <u>\$60,000</u> (cost of material & labour)
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Addition	<input type="checkbox"/> RV Storage		
<input type="checkbox"/> Industrial	<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Single Family Dwelling		
<input type="checkbox"/> Institutional	<input type="checkbox"/> Site Grading	<input type="checkbox"/> Secondary Dwelling		
	<input type="checkbox"/> Deck	<input type="checkbox"/> Dugout		
	<input type="checkbox"/> Other _____			

APPLICANT AUTHORIZATION

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

I/We grant consent for an authorized person of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal Government Act.

[Redacted Signature] Info severed in keeping with Sec 17 of the FOIP Act

Signature of Authorized Applicant(s) _____ Date Oct 5/22 Signature of Landowner _____ Date _____

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

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

Signature of Landowner _____ Date _____

FOR OFFICE USE ONLY

Permitted Use Discretionary Use VARIANCE

Fee \$ 100.00 Penalty \$ _____ Receipt# _____ Tax Roll# 3089001 District REC

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:
Received By:

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.

Distance to Rg Rd 254

JUSTIFICATION

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

Bldg was in place at time we took over underground wires for power, wifi and security

MITIGATION

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

Cannot be revised - would need to

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

Building has been here for many years without affecting adjacent property owners

APPLICANT AUTHORIZATION

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

I/We grant consent for an authorized person of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal Government Act.

Info severed in keeping with Sec 17 of the FOIP Act

Signature of Authorized Applicant(s)

Date Oct 5/22

Signature of Landowner

Date

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

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

Signature of Landowner

Date

Fee \$ 100.00
OVDP

Receipt #

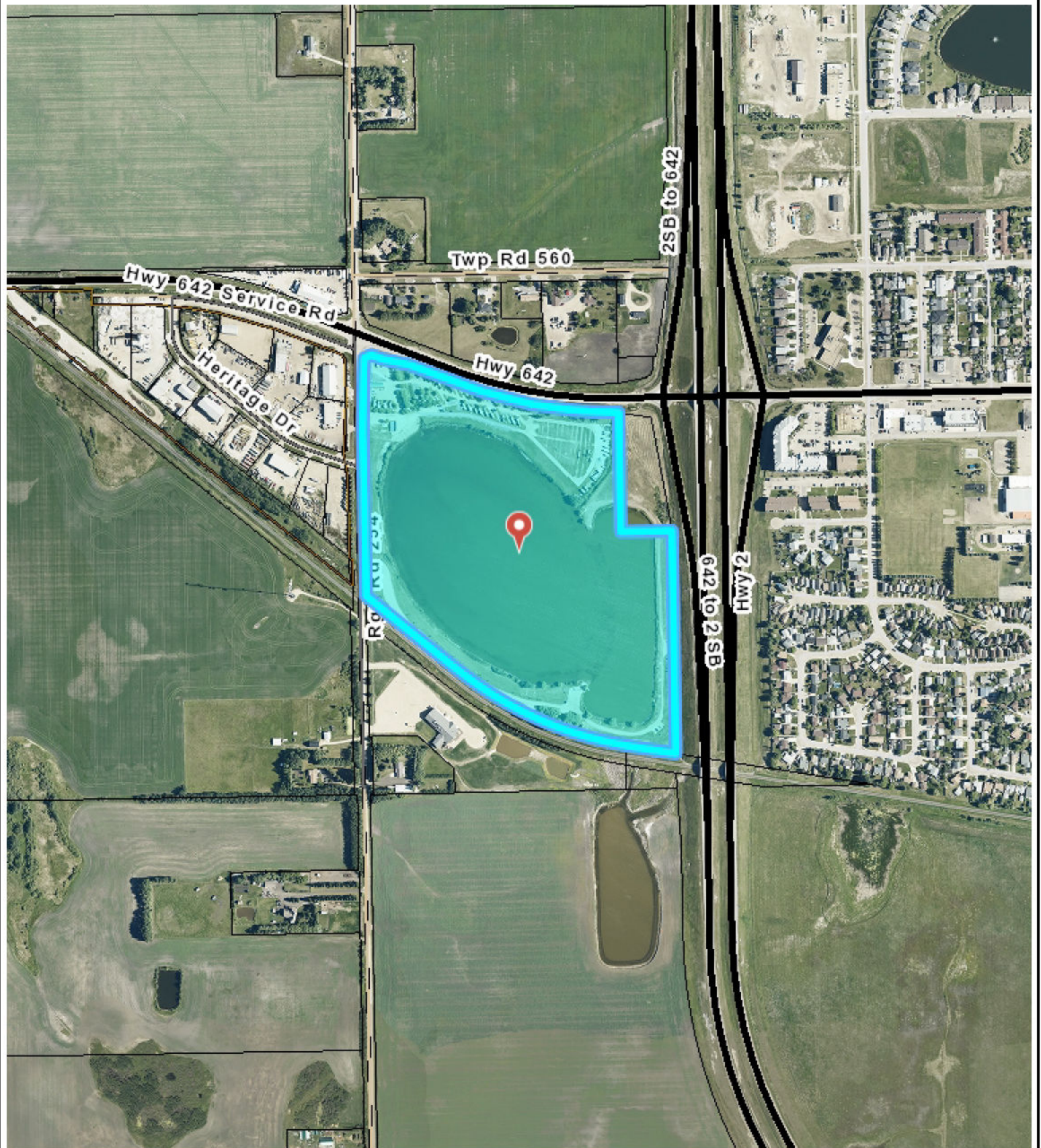
Paid by: Cash / Cheque / Debit / VISA / Mastercard

M/C or Visa Number

Expiry Date:

Name (as it appears on card):

Authorized Signature:



Prepared By:

Prepared By

NAD_1983_10TM_AEP_Resource
© Sturgeon County



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.



PLANNING AND DEVELOPMENT SERVICES REPORT

Subdivision & Development Appeal Board
File Number 22-STU-015

FILE INFORMATION

Department File:	305305-22-D0299
Legal Land Description:	Pt NW 33-55-25-W4
Relative Location:	East of Heritage Industrial Park on Hwy 642
Appellant:	Morinville RV Park (Leasee)
Landowner:	Town of Morinville
Description of Appeal:	Appealing the decision of the Development Authority, Refusal to leave an existing accessory building (Administration Building) as built with a variance to the flanking front yard setback
Land Use Bylaw District:	REC - Recreational
Tax Roll Number:	3089001

PROPERTY INFORMATION

- The parcel is 21.61ha(53.39ac) in area.
- The Town of Morinville leases the most northerly portion of the property to Morinville RV Park, while the remainder is under the management of the Town.
- The area of the parcel under lease is developed with a campground, recreational vehicle storage facility, accessory buildings and an outdoor recreational facility (playground and sports courts).
- Sturgeon County did not have any record of permits for the existing developments until recently. Permit 305305-22-D0298 was issued on October 12, 2022 for the uses.

BACKGROUND

- Heritage Lake is man made lake that was formed by the construction of the overpass on Hwy 2. Alberta Transportation leased the property to the Town of Morinville while being under the jurisdiction of Sturgeon County and remained districted as Agricultural.
- The Town of Morinville obtaining ownership of the lands and leased a portion to Morinville RV Park.
- Sturgeon County was aware of the non-conforming uses however could not accept development applications as the uses were not listed under Agricultural.
- During the rewrite of the current Land Use Bylaw, Sturgeon County designated the correct zoning to the lands as Recreational. This was a step performed by the County to assist in achieving conformance.

- Morinville RV Park enquired about an expansion which brought the issue of non-conformance to the forefront once again.
- Sturgeon County, the Town of Morinville and Morinville RV Park have been actively working together to achieve conformance since 2019.
- While the use of the accessory building was approved in the aforementioned development permit, the building still required a variance to the setback as it is located 3.59m(11.8ft) from the flanking front yard and requires a variance of 2.41m(7.9ft) or 40%.
- The application had to be refused as the variance exceeded the maximum percentage that could be granted by the Development Authority of 25%.
- The landowner appealed the decision on October 12, 2022.

RELIVANT POLICY/LEGISLATION

- Land Use Bylaw 1385/17

SECTION 2.8 DECISION PROCESS

.6 The *Development Authority* may issue a variance in accordance with Table 2.1:

Table 2.1 Variances

District	Percentage of variance that may be granted by a Development Officer
REC – Recreational	0.1 – 25%

SECTION 15.7 REC - RECREATIONAL DISTRICT

.4 Development Regulations

Minimum front yard and flanking front yard setbacks	<i>Abutting a local road</i>	6m (19.7ft)
	<i>Abutting a collector or arterial road</i>	35m (114.8ft)
Minimum side yard setback	<i>Principal building</i>	4.5m (14.7ft)
	<i>Accessory building</i>	2.5m (8.2ft)
Minimum rear yard setback	<i>Principal building</i>	6m (19.7ft)
	<i>Accessory building</i>	2.5m (8.2ft)
Maximum Height	At the discretion of the <i>Development Authority</i>	

ANALYSIS

- The development permit application was refused in accordance with the regulations of the Land Use Bylaw 1385/17 as stated above.
- The appellants reasons for appeal are:

- The building has been in place for over 25 years
- Would be difficult to move because of underground wiring for power, phones and security gate etc.
- Alberta Transportation have issued approvals for the developments in general and made no reference to the location of the existing buildings.
- The County recently paved Rge Rd 254 and worked with Morinville RV Park to install an additional approach to accommodate traffic congestion into Hwy 642 when queuing to get into the park.
- The adjacent property is an industrial park and therefore was not considered to have an impact.
- Leaving the accessory building as constructed would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighboring properties.

CONCLUSION

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

Or

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

1. A variance of 40% is granted from the minimum flanking front yard setback of 6m(19.7ft) to **3.59m(11.8ft)**.

Prepared By:



Yvonne Bilodeau, Development Officer

Reviewed By:

Tyler McNab

Digitally signed by Tyler McNab
Date: 2022.10.24 15:11:53 -06'00'

Tyler McNab, Program Lead, Development & Safety Codes

022-STU-15

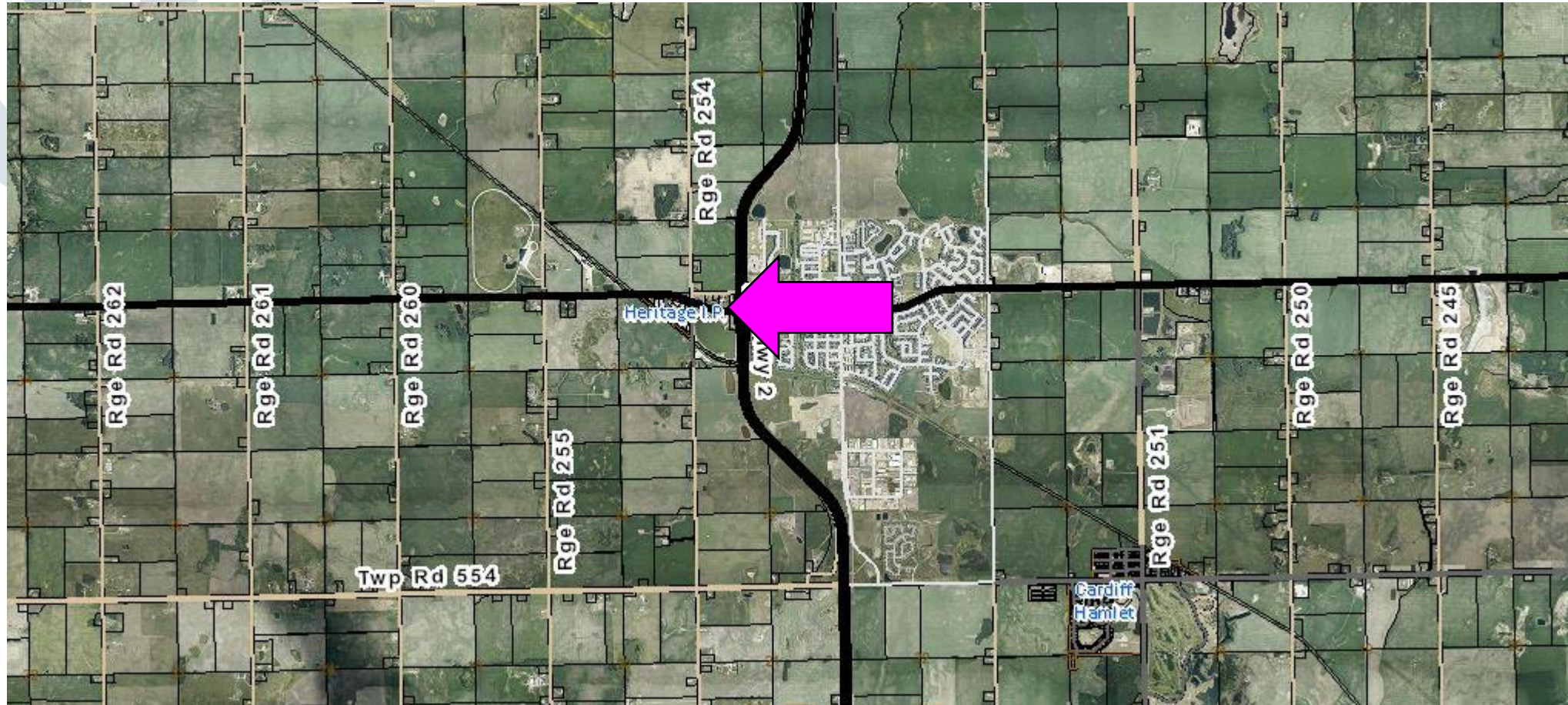
Development Authority Report

2022-11-08



Sturgeon
C O U N T Y

Site Location (East of Heritage Industrial Park)



Site Location



Property Information

55529 Rge Rd 254

Pt NW 33-55-25-W4

- 21.61ha(53.39ac) in size
- REC – Recreational District
- Morinville RV Park leases the area from the Town of Morinville
- Development Permits
 - 305305-22-D0298 to leave an existing Campground, Recreational Vehicle Storage Facility, Accessory Buildings and Outdoor Recreational Facility as built.



Background

- Heritage Lake constructed by Alberta Transportation and leased to Town of Morinville.
- Town of Morinville obtained ownership and lease a portion to Morinville RV Park.
- Sturgeon County aware of the non-conformance and worked collectively to achieve conformance.
- Morinville RV Park enquired about expansion, where it was found no permits were on record.
- The use of the accessory building was approved by permit 305305-22-D0298, however a variance is still required.
- The application was refused as it exceeded the variance powers of the Development Authority.
- Appeal received.

Relevant Policy & Legislation

Land Use Bylaw 1387/17

Section 2.8 Decision Process

.6 The Development Authority may issue a variance in accordance with Table 2:1

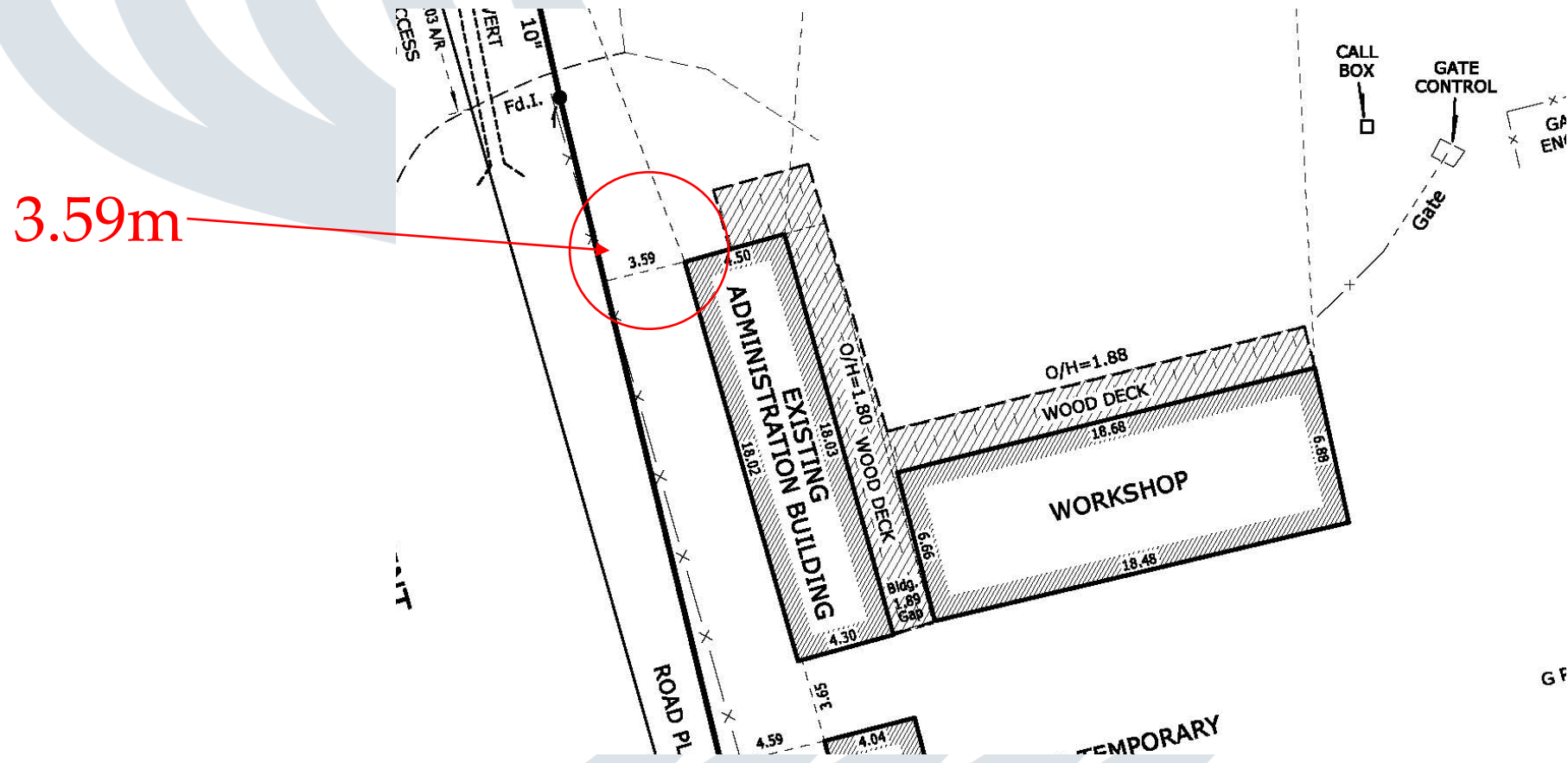
District	Percentage of variance that may be granted by a Development Officer
REC – Recreational	0.1 – 25%

Section 15.7 – REC Recreational District

Minimum front yard and flanking front yard setbacks	Abutting a local road	6m (19.7ft)
	Abutting a collector or arterial road	35m (114.8ft)
Minimum side yard setback	Principal building	4.5m (14.7ft)
	Accessory building	2.5m (8.2ft)
Minimum rear yard setback	Principal building	6m (19.7ft)
	Accessory building	2.5m (8.2ft)
Maximum Height	At the discretion of the Development Authority	

Analysis

Site Survey



Analysis

Photo



Heritage
Industrial
Park

Distance to
Property Line
Rge Rd 254

Conclusion

Recommendation

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

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022-STU-15

Development Authority Report

2022-11-08



Sturgeon
C O U N T Y