
Appeal File Number: 025-STU-017
Application Number: DP-25-0262
Appeal Against: Development Authority of Sturgeon County
Appellant: Tony Bombino
Date and Location of Hearing: December 16, 2025
Council Chambers and Through Electronic Communications
Date of Decision: December 29, 2025

SDAB Members: Julius Buski (Chair), Lee Danchuk, Donald Rigney, Lili Terry, and Kristin Toms.

NOTICE OF DECISION

IN THE MATTER OF an appeal by Tony Bombino against the Development Authority’s refusal of the construction of an Accessory Building - to construct a roof over two existing shipping containers (floor area with attached roof – 32 feet wide by 20 feet long).

- [1] This is the decision of the Sturgeon County Subdivision and Development Appeal Board (the “SDAB” or “Board”) on an appeal filed with the SDAB pursuant to section 685 and 686 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the “MGA” or “Act”).
- [2] In making this decision, the Board reviewed all the evidence presented and considered provisions of the *Municipal Government Act*, Sturgeon County’s Land Use Bylaw 1385/17 (the “Land Use Bylaw” or “LUB”), and Sturgeon County’s Municipal Development Plan (MDP), and any amendments thereto.
- [3] The following documents were received and form part of the record:
- The Notice of Appeal;
 - A copy of the development application with attachments;
 - The Development Authority’s written decision;
 - Planning & Development Services Report;
 - Appellant’s Submission; and
 - Adjacent Landowner Submission.

PRELIMINARY MATTERS

- [4] There were no preliminary matters addressed at the hearing.

PROCEDURAL MATTERS

- [5] The appeal was filed on time and in accordance with section 686 of the MGA.
- [6] There were no objections to the proposed hearing process as outlined by the Chair.
- [7] There were no objections to the composition of the Board hearing the appeal.
- [8] The Board is satisfied that it has jurisdiction to deal with this matter.

ISSUES

- [9] The Appellant raised the following grounds of appeal:
- The shipping containers in question have been in place for several years. Relocating them is not feasible, as the driveway has already been constructed and the shipping containers are permanently situated.
 - The Appellant was unaware that a permit was required to put a shelter over the shipping containers.
 - There will be no impact to the neighbourhood or adjacent landowners.

RECOMMENDATION OF THE DEVELOPMENT AUTHORITY

- [10] Carla Williams, representative for the Development Authority, provided a presentation which included an issue analysis for the Appellant's proposal and reasons for the Development Authority's refusal.
- [11] The subject property is 0.82 hectares (2.03 acres) and is developed with a single detached dwelling, attached garage, and accessory buildings.
- [12] A development permit application was submitted for the construction of a roof over two shipping containers intended for storage. The site plan indicates the proposed structure would be located 1.2 metres (4 feet) from the property line.
- [13] Drawings show each container measures 2.4 metres (8 feet) in width and 6.1 metres (20 feet) in length, positioned 4.9 metres (16 feet) apart. With the roof spanning between them, the overall structure would measure 9.8 metres (32 feet) by 6.1 metres (20 feet), totaling approximately 60 square metres (646 square feet). The anticipated height with roof trusses is approximately 4.9 metres (16 feet).
- [14] Upon review, it was confirmed the shipping containers have already been placed on the property.
- [15] The landowner advised that the containers are screened from roadside view by mature spruce trees. Photographs of the current placement and roadside perspectives were included in the application.
- [16] Section 6.27 of Land Use Bylaw 1385/17 (Shipping Containers) provides:
- One shipping container is permitted within the R1 – Country Residential district without requiring a development permit.

- Shipping containers shall meet the minimum setback requirements for accessory buildings within the R1 district.
- A proposed roof over two shipping containers is considered an Accessory Building and the structure shall comply with Accessory Building regulations.
- Structurally altered or modified shipping containers must meet the requirements of the Alberta Building Code.

[17] Sturgeon County's Safety Codes Officer advised that if the side yard distance is less than 2.4 metres (8 feet) to a property line, the wall must have a 45-minute fire rating. No additional exterior treatment is required since the container is non-combustible, and soffits are non-vented. Stamped, engineered drawings are required for the roof system's connection to the containers.

[18] Section 12.1.4 of the Land Use Bylaw (R1 - Country Residential District) specifies:

- Minimum front yard setback – Flanking front yard: 10 metres (32.8 feet)
- Minimum side yard setback – Accessory building: 3 metres (9.8 feet)
- Minimum rear yard setback – Accessory building: 3 metres (9.8 feet)
- Maximum height – Accessory building: 8 metres (26.2 feet)
- Maximum floor area – Accessory building: 230 m² (2,475 ft²)

[19] All setbacks are met except for the flanking front yard setback.

[20] Section 2.8 of the Land Use Bylaw permits variances up to 40% within the R1 District. Variances exceeding this threshold may only be granted if:

- Practical difficulties exist due to the use, character, situation, or location of the land/building not common to other sites in the district; and/or
 - Potential impacts on adjacent properties or roadways have been addressed.
- Where these criteria are not met, variances in excess of 40% must be refused.

[21] The required flanking front yard setback is 10 metres. The shipping containers are positioned 1.2 metres from the front property line, requiring a variance of 8.8 metres (88%). Additionally, as the requested variance significantly exceeds the allowable limit, and the 2.03-acre parcel offers adequate space for a compliant accessory building.

[22] The Development Authority determined that no practical difficulties exist in meeting the setback requirements. The parcel is not substandard and provides sufficient space to relocate the structure, and therefore the application was refused.

SUMMARY OF APPELLANT'S POSITION

[23] The Appellant, Tony Bombino, attended the hearing and made submissions in support of the appeal. A written submission was provided prior to the hearing, which included reasons for appeal, as well as recent photographs showing the roadside view of the shipping containers as well as their current placement on the property.

[24] He submitted that the shipping containers were placed on the property after the detached garage was constructed, in 2010.

[25] In recent years, the Appellant has invested time in landscaping and cleaning up the yard during retirement. His hobbies include building hot rods and classic trucks, which require additional

storage for car parts. The goal is to maintain a tidy, well-kept property. The Appellant referenced previous adjacent landowners who had issues with property maintenance.

[26] The Quonset previously attached to the shop was removed due to deterioration. Instead of rebuilding the Quonset, the Appellant chose to repurpose shipping containers as a permanent structure. The shipping containers will be finished to match the existing shop (tan siding, black roof, white soffits and fascia) for aesthetic consistency. The Appellant referenced conceptual drawings, which were included on page 49 of the agenda package.

[27] Regarding the proximity to the roadway, the Appellant stated that spruce trees along the road provide screening; some branches were removed but are expected to regrow. The Appellant provided additional photos, taken from the roadside, to demonstrate that the structure does not negatively impact the surrounding area.

[28] The Appellant explained that relocating the shipping containers would be difficult and costly due to the existing concrete base. Based on the setbacks required by the Development Authority, the only alternative location would be in the open yard, creating an eyesore for the neighbouring property. He expressed a desire to avoid negatively impacting neighbours.

[29] A professional contractor/home builder has been retained to construct the structure in accordance with building permit requirements and the Alberta Building Code.

SUBMISSIONS FROM ADJACENT LANDOWNERS AND OTHER AFFECTED PERSONS

[30] Teresa and Gary Ochitwa provided a written submission in opposition to the appeal. They stated that it was the Appellant's responsibility to review all applicable bylaws and obtain the required permits before constructing the current driveway. They further stated that the development affects the visual character of the area and may reduce surrounding property values, also noting that approving the proposed development could set a precedent for other property owners and weaken the integrity of existing land use regulations.

DECISION OF THE BOARD

[31] The Board **DENIES** the appeal and **UPHOLDS** the decision the Development Authority made on November 28, 2025 to refuse the construction of an Accessory Building – to construct a roof over two shipping containers (floor area with attached roof – 32 feet wide by 20 feet long).

REASONS FOR THE DECISION

[32] The Appellant's request is to construct an accessory building by constructing a roof over two shipping containers, creating a structure with a floor area of 32 feet wide by 20 feet long, in the R1 – Country Residential District. The structure would be considered an Accessory Building pursuant to the Land Use Bylaw.

[33] The Development Authority refused the application on the basis that the proposed Accessory Building does not meet the minimum flanking front yard setback of 10 metres (32.8 feet) as required by section 12.1.4 of the Land Use Bylaw. The shipping containers are currently located 1.2 metres from the front property line, requiring a variance of 8.8 metres (88%).

- [34] Section 2.8(a) of the Land Use Bylaw permits the Development Authority to grant a variance of up to 40% within the R1 District, provided that there are practical difficulties in complying with the affected regulation due to the use, character, situation or location of land or a building which are generally not common to other sites in the same Land Use District, and that potential impacts on adjacent properties or roadways and measures to mitigate such impacts have been addressed in the application.
- [35] The Board finds that no practical difficulties exist in meeting the setback requirements. The parcel is not substandard and provides sufficient space to relocate the structure. Further, the requested variance significantly exceeds the allowable limit, and the 2.03-acre parcel offers adequate space for a compliant accessory building.
- [36] The Appellant cited financial implications as the primary reason for seeking the variance. However, no evidence or estimates of financial impact were provided to substantiate this claim. Further, the Board asserts that it must make its decisions based on planning merits, not the financial circumstances of the parties. Therefore, the Board gave no weight to this submission.
- [37] The Board considered a submission from an adjacent landowner stating that the Appellant failed to obtain required permits, that the development negatively impacts the area's visual character and property values, and that approving it could set a precedent undermining existing land use regulations. The Board was not persuaded that the proposed development would result in negative community impacts, and as such, gave little weight to this submission.
- [38] For all of these reasons, the Board denies the appeal and upholds the decision the Development Authority made on November 28, 2025 to refuse the construction of an Accessory Building – to construct a roof over two shipping containers (floor area with attached roof – 32 feet wide by 20 feet long).

Dated at the Town of Morinville, in the Province of Alberta, this 29th day of December, 2025



Julius Buski, Chair

Pursuant to Section 688(1)(a) of the Municipal Government Act (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with Section 688(2)(b), any other persons that the judge directs.

APPENDIX "A"
List of Submissions

- The Notice of Appeal;
- A copy of the development permit application with attachments;
- The Development Authority's written decision;
- Planning & Development Services Report;
- Appellant's Submission; and
- Adjacent Landowner Submission