

**County of Settler No. 6
Notice of Appeal Hearing**

This is to notify that an appeal has been made to the Subdivision and Development Appeal Board.

 X Against a decision in respect to Development Permit application involving:

Development Permit - DP 19011 – For Ancillary Building (Garage) with a variance to locate within front yard; a 25% variance to the front yard setback and a 50% variance to the height of the Ancillary Building (Garage)

On land located at: **Lot 57, Block 1, Plan 8222364 (32 Buffalo Drive, Scenic Sands)**

Subdivision Application(s) were: X **Approved** with the following conditions:
 Refused for the following reasons:

File No. DP 19011
Applicant: Janet M Chaney
Owner: Janet M Chaney
Legal Description: Lot 57 Block 1 Plan 8222364
Division: Erskine- Buffalo Lake

45.03.27.19

Moved by Cherie Neitz

“That the Development Authority approve the variance application DP 19011 (Chaney) for an Ancillary Building (Garage) with a variance to locate within the front yard setback; a 25% variance (from 25’ to 18.75’) to the front yard setback; and a 25% variance (from 16’ to 20’) to the height of the Ancillary Building (Garage) on Lot 57 Block 1 Plan 8222364, subject to the following conditions:

1. A development permit shall not be issued and construction of the development shall not proceed beyond grade level until all conditions, except those conditions of a continuing nature, have been met or fulfilled.
2. The proposed development shall be undertaken and completed in accordance with the attached site plan. Vehicle doors must not face North (Buffalo Drive).

3. The location of the buildings must meet the minimum setback requirements of the Resort Residential District of the County of Stettler No. 6 Land Use Bylaw as follows:

FRONT	SIDE	REAR
Ancillary Building – Garage: 18.75 feet (5.72 metres)	Ancillary Building – Garage: 3 feet (0.91 metres)	Ancillary Building – Garage: 3 feet (0.91 metres)
From the boundary of a County road plan or County road allowance.	From the property boundaries.	

If a greater distance is required by the Alberta Building Code, that Code's requirements shall be the minimum yard distance.

4. The applicant shall demonstrate to the Development Officer's satisfaction that the development meets all setback requirements of the Land Use Bylaw and any approved variances by providing to the Development Officer a Real Property Report upon completion of construction.
5. Construction shall be started within **one year** and the exterior finishing of the building shall be completed within **two years** of the date of issue of the development permit.
6. A detached Ancillary Building shall not be used as a dwelling unit as defined in Section 9 of the Land Use Bylaw however, only if a Detached Dwelling exists on the same parcel of land, portions or the whole of the detached Ancillary Building may be used as a guest unit that contains bedroom(s) or recreational room(s) and/or sanitary facilities.
7. The height of the Detached Ancillary Building must not exceed 20 feet (6.09 metres).
8. If and when the applicant, the landowner or their successor in title applies for a building permit under the Safety Codes Act in respect of the use approved under this development permit, that person must submit a copy of the building permit application (including application form, floor plan and site plan) and a copy of the Building Permit upon being issued by the Safety Codes Council or other accredited agency (including the issued Building Permit, the floor plan and the site plan) to the Development Officer to demonstrate compliance with this development permit.
9. The removal of live trees and/or shrubs on any parcel of land without a development permit is prohibited.

10. Failure to comply with the aforementioned conditions will result in the development or use being deemed illegal and/or being reflected on a Real Property Report as non-conforming, or the development permit being revoked and/or the issuance of a stop order.
11. Notification of the Development Authority's decision on the development permit to be published in the Stettler Independent.
12. Notification of the Development Authority's decision on the development permit to be mailed to adjacent property owners.
13. An appeal period of twenty one days from the date of notification of the Development Authority's decision applies and if any appeals are submitted pursuant to s. 686 of the Municipal Government Act the development permit shall not be issued until such appeals are dealt with by the Subdivision and Development Appeal Board or the Municipal Government Board, as may be applicable.

Important information and notes:

- a. The applicant/property owner for a residential development permit adjacent to or in the Agricultural District is hereby notified that the purpose of the Agricultural District is to provide landowners with the right to farm, and that agricultural activities in the District have
- b. An abandoned well search indicated that there are either no abandoned wells on the property or if there are, that the proposed subdivision area, project site or building site is located outside of the required setback distance from any abandoned well on the property.
- c. The issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the County of Stettler No. 6 Land Use Bylaw and does in no way relieve or excuse the Development Permit holder from obtaining any other permit (including safety codes permits e.g. building, electrical, gas, plumbing, etc.), license, or other authorization required by any Federal or Provincial Act or regulation, or under any Bylaw of the County, or complying with the conditions of any easement, covenant, agreement, or other instrument affecting the building or land. It remains the developer's or applicant's responsibility to ensure compliance with these matters. Further, the issuance of this development permit specifically does not absolve the applicant or the landowner from their responsibility to comply with the Environmental Protection and Enhancement Act, the Water Act or the Public Lands Act, for example, relative to impacting a wetland on the subject property, but not excluding other provisions. It is the applicant or landowner's responsibility to undertake a wetland assessment of the subject property by a Qualified Wetland Science Practitioner to determine if

any of the activities permitted under this development permit may impact a wetland.

- d. The Land Use Bylaw contains development standards and regulations that apply to but cannot be listed in this development permit due to limited space. These regulations address matters relating to many aspects of the approved development or use, such as access points, lines of sight, public safety setbacks, to mention a few. It is the applicant's or developer's responsibility to ensure that they are fully aware of all the applicable development standards and regulations in the Land Use Bylaw that may apply to the proposed development or use by contacting the County's Planning and Development department.
- e. The applicant/property owner is responsible for:
 - I. determining the legal property boundaries and any applicable easements through a survey by an Alberta Land Surveyor;
 - II. ensuring that any structures approved under this development permit are constructed such that they are correctly set back from the property boundaries in compliance with the front, rear and side yard setbacks approved in this development permit;
 - III. ensuring that the development approved under this development permit shall not disturb, affect or alter conditions of all utilities and appurtenances, drainage rights-of-way, utility rights-of-way, access rights-of-way and any easements as they may exist, over, under, or through the Lands;
 - IV. ensuring that the construction activity approved under this Development Permit is undertaken in a manner that does not cause a disturbance or damage to adjacent properties;
 - V. making suitable arrangements with utility companies for provision of all services and/or necessary easements for utility rights-of-way;
 - VI. notifying Alberta 1st Call at 1-800-242-3447 to arrange for field locating prior to construction, should any excavations be required near utility lines;
 - VII. ensuring that permanent structures are located outside the 1:100-year flood plain of any body of water;
 - VIII. ensuring that foundation & drainage systems are constructed under the supervision of a qualified geo-technical engineer on any slope exceeding 15% to protect the bank from erosion and to ensure slope stability;
 - IX. ensuring that a 2-meter separation is provided between the water table and footings for the buildings;
 - X. ensuring that the property is graded in such a manner that the

rate and volume of surface runoff from storm water drainage do not exceed that which existed prior to the issuance of this Development Permit. Where an approved storm water management plan exists, the property must be graded in accordance with the storm water management plan.”

CARRIED UNANIMOUSLY

An appeal has been received in regards to Development Permit application DP 19011 – For Ancillary Building (Garage) with a variance to locate within front yard; a 25% variance to the front yard setback and a 50% variance to the height of the Ancillary Building (Garage)

A Subdivision and Development Appeal Board Hearing will be held:

DATE: Tuesday, May 7 2019
PLACE: County of Stettler No. 6 Administration Building
6602 - 44 Avenue, Stettler, Alberta
TIME: 1:00 p.m.

Any person claiming to be affected by the aforesaid decision or Order is entitled to present a written brief prior to the Subdivision and Development Appeal Board Hearing and to be present and be heard at the Subdivision and Development Appeal Board Hearing. Persons wishing to be heard at the Subdivision and Development Appeal Board Hearing shall submit briefs electronically to the Clerk of the Subdivision and Development Appeal Board, sbenson@stettlercounty.ca or by providing a hard copy to the Subdivision and Development Appeal Board, County of Stettler No. 6, Box 1270, STETTLER AB T0C 2L0, not later than **4:30 p.m. on Tuesday April 30, 2019**. Said materials will be made available on **May 2, 2019 on the Stettler County Website at www.stettlercounty.ca**.

Dated: April 23, 2019

Yvette Cassidy, Secretary
Subdivision and Development Appeal Board

NOTE: All relevant documents and materials respecting the Appeal are available for public inspection at the County Office during regular office hours.