1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. MINUTES APPROVAL - March 9, 2020

4. DELEGATIONS - 5:15 p.m.
   4.1 Refusal of Development Permit D20/042 - SW 27-46-24-W4M Plan 452NY, Block 1, Lot 17 - GRAHAM, Linda, Roll 1179.17

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. INFORMATION ITEMS

8. ADJOURN
Background

On December 2, 2019, a Real Property Report was submitted to County Administration as a part of a Certificate of Compliance Request which indicated the encroachment of a deck by 1.72 metres onto Lot 16 from Ms. Graham’s Lot 17. On December 13, 2019, County Administration received a complaint that a portion of an existing deck belonging to Ms. Graham encroached onto Lot 16 to the north.

On December 23, 2019, a Notice Letter was sent to Ms. Graham outlining that the County had no record of a development permit having been issued for the deck and that she would either be required to remove the deck entirely or to submit a development permit application for the structural alteration of the existing deck to comply with the County’s Land Use Bylaw setback requirements. Both options outlined a deadline of January 31, 2020.

On March 30, 2020, a Warning Letter was sent to Ms. Graham outlining the same requirements as the Notice Letter just with a second deadline extension being granted until April 30, 2020. The first extension was verbally granted until March 31, 2020.

On May 1, 2020 Linda Graham submitted a completed development permit application to the County for an ‘existing ground level deck 11’ 6” x 12’ and a 9.5’ x 12’ deck addition’.

On May 21, 2020, a Notice of Refusal of Development Permit was issued to Ms. Graham for the ‘existing 12’ x 11’ 6” deck and 12’ x 9’ 6” deck addition’

On June 10, 2020, a Letter of Appeal was received by County Administration from Ms. Graham.

On June 10, 2020, County Administration also received an email of support from the new owners of Lot 16, Worthington, supporting Ms. Graham’s request for a relaxation as the deck encroachment onto their lands had been resolved.

The refusal issued reads as follows:

NOTICE OF REFUSAL OF DEVELOPMENT PERMIT
"You are hereby notified that your application for a development permit with regard to the following:

Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition  
SW-27-46-24-W4  
Lot 17, Block 1, Plan 452NY  
GRAHAM, LINDA

has been REFUSED for the following reason:

As shown on the site plan provided, the Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition is proposed between 0.8-0.9 metres (2.6-3.0 feet) in height and is proposed at 0.45 metres (1.5 feet) to 1.5 metres (5.0 feet) from the north (side yard) property line.

The location of the Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition being 0.45 metres (1.5 feet) from the side property line is beyond the relaxation ability of County Administration. As per the Land Use Bylaw 2017/48, Section 10.5.5, the required side yard setback is 5 metres (16 feet). In accordance with County Administration and in accordance with Section 3.8.1., this setback shall not be varied less than 1.25 metres (4.0 feet).

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section Four of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Subdivision Appeal Board not later than twenty-one (21) days following the date of decision of this notice. The notice of appeal shall contain a statement of the grounds of appeal as well as $150.00 for appeal fee.”

On June 10, 2020, Administration received an appeal from Linda Graham. The appeal letter stated the following:

"I am writing this letter of appeal as directed by David Blades in regards to a deck on my residential property. I would like to discuss this appeal in person. I am requesting an exemption on bylaws for an easement concern identified by the County.

Here are several reasons for my appeal request:
1. The deck in question, and a set of French doors was added to the north side of the property 14 years ago to facilitate necessary ease of access for moving large household items in and out of this property.
2. The deck has now become imperative to facilitate visitation/respite care for my wheelchair bound granddaughter (2 years of age). Maintaining as much deck space as possible for use and maneuverability is important.
3. A portion of this deck meets the 2 foot height bylaw requirement which would not need a permit requirement. As the deck extends, the angel of the property lines widen to allow for more easement."
4. This deck construction was discussed and agreed upon with the previous neighbour as not being an issue with its construction and placement. The new owner and I have discussed and have agreed that the configuration of the deck currently is not an issue. They have agreed to submit an email to the County of Wetaskiwin as suggested by David Blades. The property line has been discussed and the proposal of future fencing location has been successfully agreed upon.

I look forward discussing this in person with the Appeal panel. I will provide photos for visual clarity and understanding at that point. I am looking forward to an amicable resolution to this matter that allows for the use of a vital and functional deck. Maintaining and foster positive relations with my community, my neighbours and County of Wetaskiwin is the desired outcome. I am looking forward to an appeal date in hopes of a positive resolution.

Thank you,
Linda Graham”

On June 10, 2020, Administration received a letter of support from Charity and Brett Worthington. The letter reads as follows:

“My name is Charity Worthington and we recently moved into #23 Cree Crescent in the Peace Hills Subdivision. I am writing you because Linda Graham is our neighbour and after receiving the RPR [Real Property Report] when we purchased our home she has removed a portion of her deck that was on our property so we are able to put a fence up. It has been brought to our attention that she is appealing the decision to have a 4 foot easement from the property line in order to allow for her granddaughter to be able to visit as they need the turning radius of the deck for her wheelchair. We 100% agree that this is a necessity and support her receiving an exception to the rule based on these circumstances. It is also our decision to set the fence back 3′ from the property line as that is where we prefer the placement of our planned fence in that area.

Please feel free to contact me with any questions at ***

Kindly,
Charity Worthington and Brett Worthington”

A Subdivision and Development Appeal Board Hearing was scheduled for Wednesday July 8, 2020, and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, the Subdivision and Development Appeal Board, and the Director of Planning and Economic Development on June 22, 2020.

Recommendations
It is the opinion of the Development Authority that the appeal of Refusal of Development Permit D20/042 for the 'Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition' be denied. However, the SDAB should be advised that they have the authority as per Section 687(3) of the MGA and Section 3.8.4 of the County’s Land Use Bylaw to uphold the appeal and grant the necessary 91% relaxation from five (5) metres down to point forty-five (0.45) metres through the issuance of a development permit.

The recommendation is made for the following reasons:

1. The level of discretion granted to the Development Authority is restricted to 75%, the requested 91% variance cannot be approved Administratively as it exceed a 75% relaxation.

**Recommended Resolution**

That the appeal of Refusal of Development Permit D20/042 for the 'Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition' be denied. However, the SDAB should be advised that they have the authority as per Section 687(3) of the MGA and Section 3.8.4 of the County’s Land Use Bylaw to uphold the appeal and grant the necessary 91% relaxation from five (5) metres down to point forty-five (0.45) metres through the issuance of a development permit.

The recommendation is made for the following reasons:

1. The level of discretion granted to the Development Authority is restricted to 75%, the requested 91% variance cannot be approved Administratively as it exceed a 75% relaxation.
COUNTY OF WETASKIWIN NO.10
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
July 8 – 5:15 PM

APPEAL OF DEVELOPMENT PERMIT REFUSAL Existing 12’ x 11’ 6” Deck and 12’ x 9’ 6” Deck Addition
Plan 452NY, Block 1, Lot 17

TO: The County of Wetaskiwin No. 10
Subdivision & Development Appeal Board
FROM: Jarvis Grant
Development Officer
REFUSAL: County of Wetaskiwin
APPELANT: Linda Graham

BACKGROUND/CONTEXT:

The proposal for the ‘Existing 12’ x 11’ 6” Deck and 12’ x 9’6” Deck Addition” are located on Plan 452NY, Block 1, Lot 17 which is comprised of an approximate 0.66 acres and is zoned as Country Residential. The parcel is located within the Subdivision of Peace Hills Park which is accessed from Township Road 464 just north east of the City of Wetaskiwin.
On December 2, 2019, due to a property sale occurring on Lot 16 within Peace Hills Park, a Real Property Report (RPR) was submitted to County Administration as a part of a Certificate of Compliance Request. The RPR indicated the encroachment of a deck by 1.72 metres onto Lot 16 from Ms. Graham’s Lot 17.

On December 13, 2019, County Administration received a complaint that a portion of an existing deck belonging to Ms. Graham encroached onto Lot 16 to the north. It should be noted at this time that as a condition of the sale agreement of Lot 16, there was a $10,000.00 holdback in place until the encroachment of Ms. Graham’s deck onto Lot 16 was rectified.

On December 23, 2019, a Notice Letter was sent to Ms. Graham which outlined that the County had no record of a development permit having been issued for the deck. Due to there being no record of an approved permit Ms. Graham was directed to either remove the deck entirely or to submit a development permit application for the structural alteration of the existing deck to comply with the County’s Land Use Bylaw setback requirements. Both options outlined a deadline of January 31, 2020.

On March 30, 2020, a Warning Letter was sent to Ms. Graham outlining the same requirements as the Notice Letter just with a second deadline extension being granted until April 30, 2020. The first extension was verbally granted until March 31, 2020.

On May 1, 2020 Linda Graham submitted a completed development permit application to the County for an ‘existing ground level deck 11’ 6” x 12’ and a 9.5’ x 12’ deck addition’.

On May 21, 2020, a Notice of Refusal of Development Permit was issued to Ms. Graham for the ‘existing 12’ x 11’ 6” deck and 12’ x 9’ 6” deck addition’.
On June 10, 2020, a Letter of Appeal was received by County Administration from Ms. Graham.

On June 10, 2020, County Administration also received an email of support from the new owners, Worthington, of Lot 16 supporting Ms. Graham’s request for a relaxation as the deck encroachment onto their lands had been resolved.

**DISCUSSION**

Based on the level of discretion granted to the Development Authority being restricted to 75%, the requested 91% variance cannot be approved Administratively as the proposed setbacks exceed a 75% relaxation. Due to the request variance exceeding 75%, Administration must maintain support for the denial of the appeal. However, the Subdivision and Development Appeal Board has greater discretionary ability with respect to setbacks and could deny the refusal. If the Board decided to deny the refusal, the Development Authority recommends that the Board issue a development permit with the necessary setback relaxations as the Development Authority would not be able to legally issue a permit with the requested setbacks.

Reason to Support Administrative Refusal: Does not meet setback requirements

As shown on the site plan provided, the Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition is proposed between 0.8-0.9 metres (2.6-3.0 feet) in height and is proposed at 0.45 metres (1.5 feet) to 1.5 metres (5.0 feet) from the north (side yard) property line. Even though a portion of the deck is below two (2) feet in height, other portions of the structure are above two (2) feet in height, as well as encroaching beyond the setback requirements of the District. As per Section 3.2 of the County’s Land Use Bylaw, a permit is not required for a deck that is under two (2) feet in height only if it also conforms to all other relevant provisions of the Bylaw.

The location of the Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition being 0.45 metres (1.5 feet) from the side property line is beyond the relaxation ability of County Administration.

As per the Land Use Bylaw 2017/48, Section 10.5.5, the required side yard setback is 5 metres (16 feet). In accordance with Section 3.8.1., this setback shall not be varied less than 1.25 metres (4.0 feet).

Reason to Support SDAB Variance and Issuance of a Development Permit

As noted in the above discussion, the Subdivision and Development Appeal Board does have provisions provided through Section 3.8.4 of the County’s Land Use Bylaw as well as Section 687(3) of the Municipal Government Act (MGA) to relax the setbacks as proposed by Ms. Graham. Section 3.8.4 of the Land Use Bylaw enables the SDAB to relax setbacks up to 100% subject to either the affected road authority or adjacent landowner not having any concerns. As previously outlined, the closest affected adjacent landowner, being the Worthington’s, have provided a written statement supporting the granting of the relaxation requested by Ms. Graham. Further, Section 687(3) of the MGA enables the...
SDAB to have regard to but is not bound by the subdivision and development regulations and further enables the Board to issue a development permit so long as the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

In this instance the Board has the ability to grant the relaxation both through the Land Use Bylaw as well as the MGA, has the support of the closest affected neighbour to grant the requested relaxation and also has the ability through the MGA to issue its own development permit.

RECOMMENDATION:
It is the opinion of the Development Authority that the appeal of Refusal of Development Permit D20/042 for the ‘Existing 12' x 11' 6” Deck and 12' x 9' 6” Deck Addition’ be denied. However, the SDAB should be advised that they have the authority as per Section 687(3) of the MGA and Section 3.8.4 of the County’s Land Use Bylaw to uphold the appeal and grant the necessary 91% relaxation from five (5) metres down to point forty-five (0.45) metres through the issuance of a development permit.

The recommendation is made for the following reasons:

1. The level of discretion granted to the Development Authority is restricted to 75%, the requested 91% variance cannot be approved Administratively as it exceed a 75% relaxation.

SUMMARY:
In conclusion, the Development Authority’s recommendation to the SDAB is to deny the appeal of the Refusal of Development Permit D20/042.

Sincerely,

Jarvis Grant
Development Officer
County of Wetaskiwin No. 10
Appendix 1 – Applicable Legislation

Municipal Government Act

627(1) A council must by bylaw
(a) establish a subdivision and development appeal board, or
(b) authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board, or both.

638.2(1) Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part
(a) that have been approved by council by resolution or bylaw, or
(b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209,

and that do not form part of a bylaw made under this Part.

(2) The municipality must publish the following on the municipality’s website:
(a) the list of the policies referred to in subsection (1);
(b) the policies described in subsection (1);
(c) a summary of the policies described in subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part;
(d) any documents incorporated by reference in any bylaws passed in accordance with this Part.

(3) A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2).

(4) This section applies on and after January 1, 2019.

639 Every municipality must pass a land use bylaw.

640(1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.

642(1) When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.
(2) When a person applies for a development permit in respect of a development that may, in the discretion of a development authority, be permitted pursuant to section 640(2)(b)(ii), the development authority may, if the application is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the decision was made and containing any other information required by the regulations, must be given or sent to the applicant on the same day the decision is made.

(4) If a development authority refuses an application for a development permit, the decision must include the reasons for the refusal.

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

684(1) The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

(2) A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.

(3) If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.

685(1) If a development authority
(a) fails or refuses to issue a development permit to a person,
(b) issues a development permit subject to conditions, or
(c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board
(a) in the case of an appeal made by a person referred to in section 685(1)
   (i) with respect to an application for a development permit,
(A) within 21 days after the date on which the decision is made under section 642, or
(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires, or
(ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The subdivision and development appeal board must give at least 5 days’ notice in writing of the hearing
(a) to the appellant,
(b) to the development authority whose order, decision or development permit is the subject of the appeal, and
(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
(a) the application for the development permit, the decision and the notice of appeal, or
(b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

687(1) At a hearing under section 686, the subdivision and development appeal board must hear
(a) the appellant or any person acting on behalf of the appellant,
(b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
(c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
(d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.
(2) The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the subdivision and development appeal board
   (a) must act in accordance with any applicable ALSA regional plan;
   (a.1) must comply with any applicable land use policies;
   (a.2) subject to section 638, must comply with any applicable statutory plans;
   (a.3) subject to clause (d), must comply with any land use bylaw in effect;
   (b) must have regard to but is not bound by the subdivision and development regulations;
   (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
   (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
      (i) the proposed development would not
         (A) unduly interfere with the amenities of the neighbourhood, or
         (B) materially interfere with or affect the use, enjoyment or value of
             neighbouring parcels of land, and
             (ii) the proposed development conforms with the use prescribed for that land or
                  building in the land use bylaw

Land Use Bylaw

3.2 Development Not Requiring a Development Permit
Except in the Agricultural/Intermunicipal Development Plan (A/ID) district, a development permit is not required for the following types of development so long as they conform to all other relevant provisions of this Bylaw:
   c) construction, maintenance, improvement, or placement of a thing including but not limited to trees, rocks, gardens or decks, except where the object will be:
      ii. a deck that is higher than 0.6 meters (2 feet) above grade;

3.8 Variance Provisions
   3.8.1 With the exception of Sections 9.10.2, 9.10.4, and 9.10.7 the Development Officer may relax the setback standards of this Bylaw by up to 75%.

   3.8.4 The Subdivision and Development Appeal Board may relax the setback standards of this Bylaw up to 100%, provided there are no objections from the affected road authority or from adjacent landowners.

9.10 Setbacks
**9.10.2 Side Yard:** 5.0 meters (16 feet) This setback shall not be varied less than 2.44 metres (8 ft.) unless approved Alberta Safety Code fire ratings are met to allow wall or respective building materials to reduce distance. *(amended by Bylaw 2019/44)*

**10.5 Country Residential District (CR)**

**10.5.1 Purpose** The purpose of the Country Residential District (CR) is to allow for the subdivision and development on non-productive agricultural land of non-farm dwellings.

**10.5.5 Setbacks**

a) Front yard: see Section 9.10.1
b) Side yard: 5.0 meters (16 feet)
c) Rear yard: 10.0 meters (33 feet)
d) No development can be located within 8.0 meters (26 feet) of the property line adjacent to an internal subdivision road;
e) Obstructions to visibility are not allowed within 3.0 meters (10 feet) of the property line adjacent to an internal subdivision road.
Possible Conditions for a Board Issued Permit:

1. Proposed Development not to encroach on Registered Rights of Ways or Utility Service Lines. In addition to this, the applicant is advised that it is their responsibility to contact Alberta-One-Call at 1-800-242-3447 to locate buried facilities if there is a plan to excavate or disturb the ground in Alberta prior to the excavation or ground disturbance and meet these set-backs as required.

2. Location and use of proposed development shall be as specified by documents submitted by applicant.

3. The applicant shall be responsible to contact Superior Safety Codes Inc. (1-888-358-5545) for their requirements under the Safety Codes Act. The County requests that copies of the approved permits issued by Superior Safety Codes Inc. or Municipal Affairs also be provided for County file records prior to the commencement of any development.

4. All drainage must drain towards a County ditch, public utility lot, or reserve lot. No drainage shall impact adjacent lots.

5. No natural drainage courses shall be changed, entering or leaving in or out of County ditches; natural flows are to be maintained.

6. The required side yard setback of five (5) metres (16.4 feet) as per Land Use By-law 2017/48, has been relaxed 91% to the proposed distance of point forty-five (0.45) metres (1.47 feet) as it appears on the submitted plot plan. As per documentation dated May 19, 2020, from Superior Safety Codes with respect to Fire Code requirements, “Residential decks would meet code as long as it does not support a roof or wall structure and is 2ft or lower from grade.” Due to the deck exceeding two (2) feet in height Superior Safety Codes must be contacted for a building permit and to obtain a Fire Code variance.

7. The proposed existing deck and deck addition shall not be used as a residence nor contain any sleeping, kitchen, cooking, or plumbing facilities.

8. The proposed existing deck and deck addition shall not be used for any commercial or business purpose and shall be used accessory to private residential use only.
June 17, 2020

NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the SUBDIVISION AND DEVELOPMENT APPEAL BOARD regarding Development Permit D20/042 described as follows:

GRAHAM, LINDA
Existing 12’ x 11’ 6”” Deck and 12’ x 9’ 1/2” Deck Addition
SW-27-46-24-W4 Lot 17, Block 1, Plan 452NY

PLACE OF HEARING: Council Chambers

County of Wetaskiwin Administration Office. Approximately 1.6 kilometres west of Wetaskiwin on Highway 13 on south side of the Highway.

DATE OF HEARING: Wednesday, July 08, 2020

TIME OF HEARING: 5:15 p.m.

Any persons affected by the proposed development have the right to present a written brief prior to the hearing and be heard at the hearing virtually.

In accordance with the Municipal Government Act, members of the public have the right to attend this meeting in person virtually. However, Administration and Council are strongly encouraging and recommending that communication be through alternative methods such as email, mailed correspondence, fax or otherwise, rather than public attending the meeting in person. This will ensure that the information is presented to Council at or before the meeting and will also ensure the health and safety of all members of the public and County staff.

For individuals wishing to attend in person virtually for the aforementioned Subdivision and Development Appeal Board Hearing, please contact Rod Hawken, CAO, at 780-3616225 or at rhawken@county10.ca in order to make arrangements prior to the start of the meeting. No members of the public will be admitted into the building for the meeting.

Written briefs may be submitted to the Secretary of the Subdivision and Development Appeal Board no later than 5:15 p.m., Wednesday, July 08, 2020.

Information pertaining to this hearing can be obtained by contacting the Planning and Economic Development Department or by email at wpermits@county10.ca.
ROD HAWKEN
Secretary
Subdivision & Development Appeal Board

Date: June 17, 2020
Lindsay Jacobsen

From: David Blades
Sent: June 10, 2020 11:54 AM
To: Lindsay Jacobsen
Cc: Jarvis Grant
Subject: FW: Linda Graham

Hello Lindsay:

If we receive the actual appeal, we can add this supporting letter.

From: Charity Worthington <cdworthington83@gmail.com>
Sent: June 10, 2020 11:19 AM
To: David Blades <dblades@county10.ca>
Cc: scotslinda57@gmail.com
Subject: Linda Graham

Hello David

My name is Charity Worthington and we recently moved into #23 Cree Crescent in the Peace Hills Subdivision. I am writing you because Linda Graham is our neighbour and after receiving the RPR when we purchased our home she has removed a portion of her deck that was on our property so we are able to put a fence up. It has been brought to our attention that she is appealing the decision to have a 4 foot easement from the property line in order to allow for her grand daughter to be able to visit as they need the turning radius of the deck for her wheelchair. We 100% agree that this is a necessity and support her receiving an exception to the rule based on these circumstances. It is also our decision to set the fence back 3’ from the property line as that is where we prefer the placement of our planned fence in that area.

Please feel free to contact me with any questions at (780)314-8066

Kindly,
Charity Worthington and Brett Worthington
From: Linda Graham
17 Cree Crescent, County of Wetaskiwin
Peace Hills Park Subdivision

Re Deck Appeal

I am writing this letter of appeal as directed by David Blades in regards to a deck on my residential property. I would like to discuss this appeal in person. I am requesting an exemption on bylaws for an easement concern identified by the county.

Here are several reasons for my appeal request:

1. The deck in question, and a set of French doors was added to the north side of the property 14 years ago to facilitate necessary ease of access for moving large household items in and out of this property.

2. The deck has now become imperative to facilitate visitation/respite care for my wheelchair bound granddaughter (2 years of age). Maintaining as much deck space as possible for use and maneuverability is important.

3. A portion of this deck meets the 2 foot height bylaw requirement which would not need a permit requirement. As the deck extends, the angle of the property lines widens to allow for more easement.

4. This deck construction was discussed and agreed upon with the previous neighbor as not being an issue with its construction and placement. The new owner and I have discussed and have agreed that the configuration of the deck currently is not an issue. They have agreed to submit an email to the County of Wetaskiwin as suggested by David Blades. The property line has been discussed and the proposal of future fencing location has been successfully agreed upon.

I look forward to discussing this in person with the Appeal panel. I will provide photos for visual clarity and understanding at that point. I am looking forward to an amicable resolution to this matter that allows for the use of a vital and functional deck. Maintaining and foster positive relations with my community, my neighbors and County of Wetaskiwin is the desired outcome. I am looking forward to an appeal date in hopes of a positive resolution.

Thank you

Linda Graham
May 21, 2020

GRAHAM, LINDA
BOX 6252
WETASKIWIN, AB T9A 2E9

NOTICE OF REFUSAL OF DEVELOPMENT PERMIT

You are hereby notified that your application for a development permit with regard to the following:

Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition
SW-27-46-24-W4
Lot 17, Block 1, Plan 452NY
GRAHAM, LINDA

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As shown on the site plan provided, the Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition is proposed between 0.8-0.9 metres (2.6-3.0 feet) in height and is proposed at 0.45 metres (1.5 feet) to 1.5 metres (5.0 feet) from the north (side yard) property line.

The location of the Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition being 0.45 metres (1.5 feet) from the side property line is beyond the relaxation ability of County Administration.

As per the Land Use Bylaw 2017/48, Section 10.5.5, the required side yard setback is 5 metres (16 feet). In accordance with County Administration and in accordance with Section 3.8.1., this setback shall not be varied less than 1.25 metres (4.0 feet).

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section Four of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Subdivision Appeal Board not later than twenty-one (21) days following the date of decision of this notice. The notice of appeal shall contain a statement of the grounds of appeal as well as $150.00 for appeal fee.

DATE OF DECISION: May 21, 2020
Appeal Deadline: June 11, 2020

David Blades, A. Sc. T, LGA
Director of Planning & Economic Development
County of Wetaskiwin No. 10
May 11, 2020

From the drawing and discussion with Lindaiz Carpenter, Henry, the deck height of 5.5 feet (2.5' + 3.0' does not meet the minimum administrative variance of 4.2' - 4.5' side setback. They are aware we will have to refuse this - also aware that appeal + Board process is necessary. David
Rear of H11523

Ground level

Wood lines to stay as close to property line as possible. Existing deck.

11'6" h. davies@cciwireless.ca

Henry Davies

(630) 753 7558
(430) 753 2571

12'

New addition

7" lower than

9'1/2" existing deck

Steps 8" wide down front side

Built with 4' x 4 corner posts

2' x 8' stringers 16° c

2' x 6' deck
COUNTY OF WETASKIWIN NO. 10 - APPLICATION FOR DEVELOPMENT PERMIT

I hereby make an application under the provisions of the County of Wetaskiwin’s Land Use Bylaw for a Development Permit, in accordance with the plans and supporting information submitted herewith and which form part of this application. Except as otherwise provided in the Land Use Bylaw, a person may not commence development unless the person has been issued a development permit; a decision will only be issued in writing.

It is the responsibility of the applicant/owner to ensure that all development carried out complies with any caveat, easement, restrictive covenant or other encumbrance noted on the back of the Certificate of Title.

APPLICANT INFORMATION:

Name of Applicant: Ms. LINDA GRAHAM

Mailing Address: Box 4252 Wetaskiwin AB T9A 2E9

Phone Number: (C) 780-314-9485 (H) 780-352-9485

Email Address/Fax Number: scoots1nda57@gmail.com

Are you the Registered Owner ☑Yes ☐No, if no complete the next box

If No as above, presented Registered Owner(s) according to Alberta Land Titles: (We)(please print)
________________________________________________________________________ as the registered owner(s) (as per Land Titles) of the
aforementioned property, authorize (applicant(s) "as above") to develop which I have fully reviewed and fully
endorse.
Address: __________________________ Telephone __________________________

Signature of Present Registered Owner(s):
✓ If owner is a corporate body, he or she must be listed on the corporate registry as authorized person(s) to
sign. Proof of authority to sign MAY BE required.
✓ If additional signatures are required, attach to application as necessary.

LAND INFORMATION:

Does your property have a County approved approach ☑Yes ☐No,

If No, you will be required to have the approach built to County Standards prior to the issuance of a Development Permit. Please fill out the Approach Application on Page 12 of this application.

QUARTER _______ SECTION_______ TOWNSHIP 1104 RANGE _______ WEST OF _______ MERIDIAN 4 or 5

PLAN BLOCK LOT 17 CREE CRESENT

Is your property located within 1/2 mile or 800 metres of a Highway or Secondary Highway? ☑No or ☐Yes

If yes, Please complete and provide Alberta transportation with a road side development application form. The application can be obtained at the County of Wetaskiwin Office or at http://www.transportation.alberta.ca/2629.htm

Roadside Development Application Sent on: __________ Method Application sent by: ☐Mail ☐Fax ☐Email Sent by: __________

For Office Use Only:

Application No.: D20/042 Roll No.: 1179.77 Land Use District: CR

Receipt No.: 362806 Received Date April 30/20 Division: 3

Subdivision: Peace Hills Park Per/Dis: Discretionary
PROPOSED DEVELOPMENT(S)

Development Proposal(s): Type of Development (Include Dimensions & Number of Storeys)
*Any structure that is 108 sq. ft./10 m² or over requires a development permit
*Decks 2 ft./0.61 m or higher require a development permit *If this application is for a Business please go to Page 4.
* All residential buildings require Blueprints to be submitted electronically to wpermits@county10.ca before the permit application will be processed.

Existing ground level deck 11' 6" x 12'
And 9' 12" x 12' deck addition

Size of Proposed Development:
*Please note some districts within the County of Wetaskiwin have a maximum cumulative accessory building square footage of 1506 sq. ft. There is also site coverage and height restrictions.

Please circle if Dimensions are in feet/metres:

<table>
<thead>
<tr>
<th>Building:</th>
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<td>Length:</td>
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Type of Construction: □ Conventional Construction □ Moved in, describe type:

If Moved In (check one): □ New (Direct from factory) □ Used, Year built __________
*pictures must be provided for all used buildings

Will there be plumbing within the proposed Structure: □ No □ Yes, if so please check that all apply

□ Sink □ Toilet □ Tap for Garden Hose □ Other __________

Will there be kitchen facilities within the proposed structure: □ No □ Yes

List all existing building(s)/structure(s) on the Property (i.e. Dwelling(s), Garage(s), shed(s), etc.) and label accordingly on the site plan to be provided with this application on Page 6.

Estimated Cost of Project (for statistic purpose only): $

Estimated Date of Commencement: ____________________________
Estimated Date of Completion: ____________________________

CONFINED FEEDING OPERATION:
Is the proposed development within 800 metres (1/2 mile) of a CFO? □ No □ If Yes, please read the following and sign below:

I choose to build here knowing that I/we may suffer from smells, noise, flies, etc. from animals or manure; however, I realize that this is a farming area and that these nuisances are unavoidable if I choose to live here. I also understand that land cannot be subdivided if it is too close to a Confined Feeding Operation.

Applicant Signature(s): ____________________________

SECONDARY DWELLING:
Is this a secondary dwelling? □ No □ If Yes, please read the following and sign below:

I understand that if I build a second residence on my land, the residence will not stand on a separate parcel. It will stand on the same parcel as the first house and as such, the 2 residences cannot be sold separately unless the parcel is subdivided and 2 separate lots are created. I further understand that I have no automatic right to have the land subdivided, and an application to subdivide may be refused if it conflicts with the regional plan or any County by-law.

Applicant Signature(s): ____________________________
SITE PLAN

*Please note that by including development/building(s) solely on a drawing that this may not preclude it from the development permit application process nor does it approve its use, and it may be required to be applied for unless it is exempted according to the County of Wetaskiwin’s Land Use Bylaw or is under Section 643 of the MGA. A person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the Land Use Bylaw.

Site plan being sent to contractor. Please send to Linda too.

Except as otherwise provided in the County of Wetaskiwin No 10 Land Use Bylaw, a person may not commence any development unless the person has been issued a development in respect of it pursuant to the Land Use Bylaw. A decision will be issued in writing. I hereby make application under the provisions of the County of Wetaskiwin Land Use Bylaw for a Development Permit, in accordance with the plans and supporting information submitted herewith and which form part of this application.

By signing this application, I hereby authorize representative(s) of the County of Wetaskiwin No. 10 to enter onto the above described land for the purpose of performing inspections. The personal information on this form is collected under the authority of Section 33 (c) of the Alberta Freedom of Information and Protection of Privacy Act. The information will be used to process your application(s) and your name and address may be included on reports that are available to the public. If you have any questions on the collection and use of this information, please contact the FOIP Coordinator at (780) 352-3321.

Date of Application: May 1st, 20__

Signature of Owner(s): ____________________________

Please Print Name(s): ____________________________

Signature of Owner(s): ____________________________

Please Print Name(s): ____________________________

All Development Permits are mailed out when completed, when your permit is complete would you like to also be notified by:

☐ Fax No. ____________________________ ☐ Email: ____________________________

County of Wetaskiwin No. 10-Development Permit Application - Page 29 of 44
March 30, 2020

WARNING

Roll# 1179.17

Linda Graham
Box 6252
Wetaskiwin, AB
T9A 2E9

Dear Mrs. Graham:

RE: Deck Development on 19, 242040 TWP RD 464 (SW-27-46-24-4), "the Lands"

This letter is to act as a formal follow up to your March 26, 2020 conversation with the County of Wetaskiwin's Development Officer. As you are aware, a Notice Letter was sent to you on December 23, 2019 stating that you would need to either:


OR

2. Submit a completed development permit application by January 31, 2020. The regular residential rate for a development permit is $100.00. Please be advised that a development permit would only be entertained on the basis of a structural alteration of your deck so that it would meet the Land Use Bylaw requirements.

At this time the actions mention above are still required. However, as per your conversation with the County's Development Officer, a second deadline extension from March 31, 2020 to April 30, 2020 has been granted.

The need for a development permit is due to the fact that a permit was never obtained prior to the deck being built. Under Land Use By-law 2017/48 it states that:

"Development in the County is subject to Section 683 of the Act which says that, except as otherwise provided in this By-law, a person may not commence a development unless the person has been issued a development permit in respect of it pursuant to the Land Use By-law."

Further to this ‘development’ as defined by the Land Use By-law 2017/48 as:

"(a) an excavation or stockpile and the creation of either of them;
(b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;"
(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
(d) a change in the intensity of use of land or a building or act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.”

It is the County of Wetaskiwin No. 10’s preference that your compliance occurs on a voluntary basis. However, failure to comply with the aforementioned requirements may result in the issuance of a Stop Order. Please also be advised, that due to the effect of the ongoing pandemic on your ability to come into compliance with the required actions, County Administration has deemed it appropriate to provide a waiver on the $500.00 application fee associated with the issuance of a Warning Letter.

Please contact Bylaw Enforcement at 780-352-0005, if you have any questions.

Regards,

[Signature]

Jeff Chipley
Assistant CAO
County of Wetaskiwin No. 10
780-361-6223
jchipley@county.wetaskiwin.ab.ca
/AB
December 23, 2019

Notice

Roll# 117917

Linda Graham
Box 6252
Wetaskiwin, AB
T9A 2E9

Dear Mrs. Graham:


In my capacity as a Designated Officer of the County of Wetaskiwin No. 10, I am contacting you to advise you that the County of Wetaskiwin has become aware of a deck at your residence that is encroaching on another’s land and does not have a Development Permit, which is in contravention of the Land Use Bylaw 2017/48.

Under Land Use Bylaw 2017/48 it states that:

“Development in the County is subject to Section 683 of the Act which says that, except as otherwise provided in this By-law, a person may not commence a development unless the person has been issued a development permit in respect of it pursuant to the Land Use By-law.”

Further to this ‘development’ as defined by the Land Use By-law 2017/48 is:

(a) an excavation or stockpile and the creation of either of them;
(b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
(d) a change in the intensity of use of land or a building or act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

The need for a development permit is due to the fact that a permit was never obtained prior to the deck being added to your property. At this time, your property remains in non-compliance with the Land Use By-law 2017/48 of the County of Wetaskiwin No. 10 and you will be required to either:
1. Remove the deck by **January 31, 2020.**

    **OR**

2. Submit a completed development permit application by **January 31, 2020.** The regular residential rate for a development permit is $100.00. Please be advised that a development permit would only be entertained on the basis of a structural alteration of your deck so that it would meet the Land Use Bylaw requirements.

Failure to comply with the aforementioned options will result in the issuance of a Warning Letter and further enforcement action being pursued. Upon the issuance of a Warning Letter the applicable Development Permit fee will be increased five times from $100.00 to $500.00 as per the County's Fees and Charges By-law 2018/36.

I am also contacting you to advise you that from my review of the lands, it is my conclusion that you are responsible for contraventions of the County of Wetaskiwin No 10's **Nuisance & Unsightly Bylaw 2018/52,** specifically by reason of the yard being littered with general garbage and debris.

Accordingly, I am hereby informing you that the above concerns must be addressed by **January 31, 2020.** Failure to comply will result in the issuance of a Warning and further enforcement action being pursued. However, it is the County of Wetaskiwin No. 10's preference that your compliance occurs on a voluntary basis and that no formal action will be required to remedy the contraventions.

It is the County of Wetaskiwin No. 10's preference that your compliance occurs on a voluntary basis and that no formal action will be required to remedy the contraventions.

Please contact Bylaw Enforcement at 780-352-0005 for unsightly inquires and the Development Department for permit concerns at 780-352-3321.

Regards,

Jeff Chipley  
Assistant CAO  
County of Wetaskiwin No. 10  
780-361-6223  
ichipley@county.wetaskiwin.ab.ca  
/AB
Dec 13/19

Mr. Jeff Chipley, Assistant CAO
County of Wetaskiwin #10
Box 6960
Wetaskiwin AB
T9A 2G5

Dear Mr. Chipley:

I am Bonelin Francis, sister and POA for my brother Randall Hoyle who now resides at Good Shepherd Home, after a stroke on Oct 2016.

Randall’s home: 16 Bee Crescent, Peace Hills. Has been sold, possession date today, October 16, to Mrs. Worthington.

I would like to lodge a formal complaint against Linda Graham at 17 Bee Crescent for her unsightly congregation of collected oddities; some on Worthington’s property and covering her property and deck. Part of the deck is also on Worthington’s property.
$10,000 was withheld from the purchase price pending the removal of the deck in attachment. If the deck is not removed on or before June 1, 2020 the holdback will be released to the purchasers.

I have attached a photo of the offending deck.

I would appreciate your assistance in the removal of the encroaching eyesore and any other assistance you can provide.

Respectfully,

F Francis
RR2 Waskatenau, AB T9P 1N0

Encs.

pc. David Blades
Director of Planning Economic Development

If you can be reached at 780 352 4933 if you require further information.
10.5 **Country Residential District (CR)**

### 10.5.1 Purpose

The purpose of the Country Residential District (CR) is to allow for the subdivision and development on non-productive agricultural land of non-farm dwellings.

### 10.5.2 Permitted Uses

- a) Dwelling, Detached
- b) Dwelling, Modular – New
- c) Buildings and uses accessory to the above

### 10.5.3 Discretionary Uses

- a) Dwelling, Moved-in
- b) Dwelling, Mobile – New
- c) Dwelling, Mobile – Used
- d) Dwelling, Modular – Used
- e) Dwelling, Secondary Suite
- f) Bed and Breakfast
- g) Public Utility
- h) Show Home
- i) Offsite Home Occupation (Type 1) *(amended by Bylaw 2019/55)*
- j) Offsite Home Occupation (Type 2) *(amended by Bylaw 2019/55)*
- k) Onsite Home Occupation (Type 1) *(amended by Bylaw 2019/55)*
- l) Onsite Home Occupation (Type 2) *(amended by Bylaw 2019/55)*
- m) Onsite Home Occupation (Type 3) * 2nd Parcel out only *(amended by Bylaw 2019/55)*
- n) Market Garden (allowed only in lots not located in a subdivision) *(amended by Bylaw 2019/55)*
- o) Buildings and uses accessory to the above

### 10.5.4 Parcel Size

- a) Minimum: 0.40 ha (1 acre)
- b) Maximum: 2.02 ha (5 acres)
10.5.5 Setbacks

a) Front yard: see Section 9.10.1
b) Side yard: 5.0 meters (16 feet)
c) Rear yard: 10.0 meters (33 feet)
d) No development can be located within 8.0 meters (26 feet) of the property line adjacent to an internal subdivision road;
e) Obstructions to visibility are not allowed within 3.0 meters (10 feet) of the property line adjacent to an internal subdivision road.

10.5.6 Animal Restrictions
See Section 9.2.

10.5.7 Subdivision Standards

a) Site suitability testing is required before subdivision approval and includes but is not limited to water supply, water table levels, percolation rates, environmental impact assessment, etc.
b) Density restrictions shall be at the discretion of Council, based on factors including but not limited to tests listed under Section 10.3.7(a). Density greater than 24 parcels on a quarter section shall be considered as being of a higher density and may be subject to requirements for infrastructure above the general County standard. Subdivision creating more than 2 lots per quarter section, or resubdivision of a previously developed quarter, may be subject to a requirement for the adoption of or amendment to an Area Structure Plan.
c) A proposal to subdivide an existing acreage lot(s) will be subject to County Policy 61.1.5 “Resubdivision in Multiple Lot Subdivisions” and amendments thereto and Section 7.9 of the Bylaw.

10.5.8 Building Height

a) The maximum building height of all buildings shall be 10.0 meters (33 feet)
b) The maximum height of an accessory building shall be 6.0 meters (20 feet).

10.5.9 Recreational Units

Recreational Units may be authorized as outlined in Section 3.12, Recreational Units.

10.5.10 Sewage and Wastewater

Sewage and wastewater systems are required as outlined in Section 3.12.1(g), Recreational Units.

10.5.11 Utility Hookups

Utility hookups are required as outlined in Section 3.12.1(h), Recreational Units.
10.5.12 Enforcement

Offences and fines are outlined in Section 5, Contravention.
The purpose of this Subdivision and Development Appeal Board Hearing is to review the appeal of refused Development Permit Application D20/042 from GRAHAM, LINDA for an Existing 12' x 11' 6" Deck and 12' x 9' 1/2" Deck Addition within SW-27-46-24-W4M, Lot 17, Block 1, Plan 452NY.

On May 21, 2020, Administration issued a refusal of Development Permit D20/042 for the Existing 12' x 11' 6" Deck and 12' x 9' 1/2" Deck Addition within SW-27-46-24-W4M, Lot 17, Block 1, Plan 452NY as per Sections Land Use Bylaw 2017/48.

On June 11, 2020, the Secretary of the Subdivision and Development Appeal Board received a letter of appeal from Linda Graham.

An Appeal Hearing was set for Wednesday, July 08, 2020 and the Notice of Appeal Hearing was sent to the Applicant/Appellant, Registered Owners, Adjacent Landowners, and the Director of Planning and Economic Development on June 22, 2020.

On June 29, 2020, Administration sent the Board Members of the Subdivision and Development Appeal Board a copy of the Agenda Package which included the following:

- Development Officer's Report
- Development Permit Application
- Notice of Appeal Hearing
- Letter of Appeal
- Notice of Refusal
- Letter of Support - Worthington Letter
- Deck Photos
- Contractor Drawings/Site Plan
- Real Property Report
- March 30 Warning Letter
- December 23 Notice
- Letter from Ms. Francis - December 13
- Country Residential District (Land Use Bylaw 2017/48)

Other information that has been received and provided to the Board Members of the Subdivision and Development Appeal Board, prior to the hearing is as follows:

1. Relevant Facts
**RELEVANT FACTS FOR THE BOARD’S CONSIDERATION:**

- On December 2, 2019, due to a property sale occurring on Lot 16 within Peace Hills Park, a Real Property Report (RPR) was submitted to County Administration as a part of a Certificate of Compliance Request. The RPR indicated the encroachment of a deck by 1.72 metres onto Lot 16 from Ms. Graham’s Lot 17.

- On December 13, 2019, County Administration received a complaint that a portion of an existing deck belonging to Ms. Graham encroached onto Lot 16 to the north. It should be noted at this time that as a condition of the sale agreement of Lot 16, there was a $10,000.00 holdback in place until the encroachment of Ms. Graham’s deck onto Lot 16 was rectified.

- On December 23, 2019, a Notice Letter was sent to Ms. Graham which outlined that the County had no record of a development permit having been issued for the deck. Due to there being no record of an approved permit Ms. Graham was directed to either remove the deck entirely or to submit a development permit application for the structural alteration of the existing deck to comply with the County’s Land Use Bylaw setback requirements. Both options outlined a deadline of January 31, 2020.

- On March 30, 2020, a Warning Letter was sent to Ms. Graham outlining the same requirements as the Notice Letter just with a second deadline extension being granted until April 30, 2020. The first extension was verbally granted until March 31, 2020.

- On May 1, 2020 Linda Graham submitted a completed development permit application to the County for an ‘existing ground level deck 11’ 6” x 12’ and a 9.5’ x 12’ deck addition’. On May 21, 2020, a Notice of Refusal of Development Permit was issued to Ms. Graham for the ‘existing 12’ x 11’ 6” deck and 12’ x 9’ 6” deck addition.’

- On June 10, 2020, a Letter of Appeal was received by County Administration from Ms. Graham. On June 10, 2020, County Administration also received an email of support from the new owners, Worthington, of Lot 16 supporting Ms. Graham’s request for a relaxation as the deck encroachment onto their lands had been resolved.

- An Appeal Hearing was set for Wednesday, July 8, 2020 and the Notice of Appeal Hearing was sent to the Applicant/Appellant, Registered Owners, Adjacent Landowners and the Director of Planning and Economic Development on June 22, 2020.
**RELEVANT LEGISLATION FOR THE BOARD’S CONSIDERATION:**

1. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 627;
2. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 638.2(1) through (4);
4. Municipal Government Act, R.S.A. 2000, c.M-26, Section 640(1);
5. Municipal Government Act, R.S.A., 2000, c.M-26, Sections 642(1) through (4);
7. Municipal Government Act, R.S.A., 2000, c.M-26, Sections 684(1) through (3);
8. Municipal Government Act, R.S.A., 2000, c.M-26, Section 685(1);
9. Municipal Government Act, R.S.A., 2000, c.M-26, Sections 686(1) through (5);
10. Municipal Government Act, R.S.A., 2000, c.M-26, Section 687(1) through (3);
11. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48: Development Not Requiring a Development Permit, Section 3.2
12. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48: Variance Provisions, Section 3.8
13. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48: Setbacks, Section 9.10
14. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48: Setbacks, Section 9.10.2
15. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48: Country Residential District (CR), Section 10.5 and 10.5.5

**SPECIFIC CONCERNS REGARDING THE PROPOSED DEVELOPMENT:**

As shown on the site plan provided, the Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition is proposed between 0.8-0.9 metres (2.6-3.0 feet) in height and is proposed at 0.45 metres (1.5 feet) to 1.5 metres (5.0 feet) from the north (side yard) property line.

The location of the Existing 12' x 11' 6" Deck and 12' x 9' 6" Deck Addition being 0.45 metres (1.5 feet) from the side property line is beyond the relaxation ability of County Administration.

As per the Land Use Bylaw 2017/48, Section 10.5.5, the required side yard setback is 5 metres (16 feet). In accordance with County Administration and in accordance with Section 3.8.1., this setback shall not be varied less than 1.25 metres (4.0 feet).

**PLANNING MERITS FOR THE BOARD’S CONSIDERATION:**

When evaluating a development appeal, board members shall ask themselves the following:

1. How does this proposal contribute to the orderly, economic, and beneficial development, use of land or pattern or human settlement?
2. Does the proposal maintain or improve the quality of the human environment?
3. How does the proposal impact the individual rights and the public interest? Which is more important in this case and why?
4. Does the proposed development conform with the use prescribed for the land or building in the land use bylaw?
5. Have all concerns raised regarding the proposed development been adequately addressed?