1. **CALL TO ORDER**

Chairperson L. Johnson called the meeting to order at 5:17 p.m.

2. **APPROVAL OF AGENDA**

Resolution SDAB20190418.001

MOVED: by Board Member E. Matiko

that the Agenda for April 18, 2019 be accepted as presented.

Carried Unanimously

3. **MINUTES APPROVAL**

3.1 Tuesday, March 12, 2019 Subdivision and Development Appeal Board Minutes

The Board suggested the following formatting changes to upcoming Subdivision and Development Appeal Board meetings:

- Change the minutes to read that the Chairperson calls the meeting to order not the Secretary.
- The Board would like reasons for the decision to be listed within their resolution.

Also, the following formatting changes to be made:

Chairperson L. Johnson introduced the members of the Subdivision and Development Appeal Board and asked if there were any objections to any of the members sitting on the Board.

No objections were presented.

Rod Hawken, Secretary to the Subdivision and Development Appeal Board presented the Summary of Events.

Chairperson L. Johnson asked the Board if they felt the appeal was submitted properly and acceptable and if they had any conflict of Interest or objections to any of the members sitting on the Board.

No objections were presented.
Chairperson L. Johnson asked the appellants *** if they have any objections to any board members.

To read as follows:

Chairperson L. Johnson introduced the members of the Subdivision and Development Appeal Board and asked if there were any objections to any of the members sitting on the Board.

No objections were presented.

Rod Hawken, Secretary to the Subdivision and Development Appeal Board presented the Summary of Events.

Chairperson L. Johnson asked the Board if they felt the appeal was submitted properly and acceptable.

No objections were presented.

Chairperson L. Johnson asked the Board if they had any conflict of Interest.

No objections were presented.

Chairperson L. Johnson asked if anyone had any objections to any of the members sitting on the Board.

No objections were presented.

The Board would like to see the following changes to be made to the March 12, 2019 meeting:

- On Page 10 should read highway tractor not Tractor Trailer.
- Within the resolution, Condition Number 4 remove :business" from "business home occupation."

Resolution SDAB20190418.002
MOVED: by Board Member R. Pries
to approve the minutes for the Subdivision and Development Appeal Board meeting held Tuesday, March 12, 2019 as amended.

Carried Unanimously

3.2 Wednesday, March 13, 2019 Subdivision and Development Appeal Board Minutes

Formatting changes to be made as mentioned for the March 12, 2019 Subdivision and Development Appeal Board Meeting.

Resolution SDAB20190418.003
MOVED: by Board Member T. Hoogland
to approve the minutes for the Subdivision and Development Appeal Board meeting held Wednesday March 13, 2019 as amended.

Carried Unanimously
4. **5:15 P.M. PUBLIC HEARING**

Chairperson L. Johnson declared the Hearing open at 5:25 p.m. and a delegation consisting of Don Meadows, Tracey Mullin, Linda Bartlett, Blake Bartlett, Violet Bryden, and David Blades, Director of Planning and Economic Development entered the meeting.

Chairperson L. Johnson introduced the members of the Subdivision and Development Appeal Board and asked if there were any objections to any of the members sitting on the Board.

No objections were presented.

Rod Hawken, Secretary to the Subdivision and Development Appeal Board presented the Summary of Events.

Chairperson L. Johnson asked the Board if they felt the appeal was submitted properly and acceptable.

The Board was of the opinion the appeal was submitted properly and acceptable.

Chairperson L. Johnson asked the Board if they had any conflict of Interest.

No conflict of interest was noted.

4.1 **Refusal of Development Permit D19/026- Don Meadows - Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’), Existing Quonset (26’x 67’x 14’) and Existing Cabin being restored on site (28’ x 36’ x 14’)**

On March 4, 2019 Administration received a Development Permit application from Don Meadows for Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’) located at SE 2-48-27-W4M, Plan 4619TR, Block 5, Lot 4 within Culilane Beach.

As the property is located within 1.6 km of another Municipal Boundary and as per the County’s Intermunicipal Development Plan with the County of Leduc, the Development Permit application was referred to Leduc County on March 7, 2019. On March 25, 2019 Administration received an email back from Leduc County stating they had no objections to the proposal.

On March 25, 2019 several emails were sent between County Administration and Mr. Meadows regarding his application so as to clarify a few aspects of his proposal. It was at this time the existing and unapproved Quonset and cabin structure were added to his Development Permit application.

The existing structures already located on the property that did not have a Development Permit are a total square footage of 2,958 square feet, and with the Development Permit application there will be an additional 5,200 square feet of developed square footage on the site.

On March 27, 2019 a Notice of Refusal for the Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’), Existing Quonset (26’x 67’x 14’) and Existing Cabin being restored on site (28’ x 36’ x 14’) was issued.

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:

Two New Shops (80′ x 50′ x 16′ & 40′ x 30′ 14′), Existing Quonset (26′x 67′ x 14′) and Existing Cabin being restored on site (28′ x 36′ x 14′)

SE-2-48-27-W4
Lot 4, Block 5, Plan 4619TR
MEADOWS, DON

has been REFUSED for the following reason:

As stated in Section 9.18 of Land Use Bylaw 2017/48:

9.18 Accessory Buildings
Except where allowed in Agricultura4 Commercial, Industrial and Institutional Districts, the total area of accessory buildings on an individual site shall not exceed a site coverage of 14% nor an area of 140.0 square meters (1506 square feet) and shall not exceed a 4.8 meters (16 It) wall height unless approved by the Development Officer.

As per the application submitted on March 4, 2019, the proposal is for Two New Shops (80′ x 50′ x 16′ & 40′ x 30′ 14′), Existing Quonset (26′x 67′ x 14′) and Existing Cabin being restored on site (28′ x 36′ x 14′) have a total area of 674.29 square meters (7,258 square feet).

As stated in the Section 1.2 Definitions:

Accessory Building or Structure means for the purpose of administering the provisions of Part Nine of the Building Code, a building or structure which is subordinate, exclusively devoted and incidental to the principal building or use located on the same lot but in no instance shall be used as a dwelling. Parking may be an accessory use when it serves the main use and does not serve uses on other sites. Kitchen facilities and bathroom facilities are not allowed. May include play structures. The building or structure shall not precede the principal building or use unless deemed by the Development Authority as an acceptable discretionary use. Typical structures may include garages, sheds, swimming pools, frame and fabric structure and wind turbines and solar panel arrays. When a building is attached to the principal building by a root floor or foundation above or below grade, it is considered to be part of the principal building. A washroom may be allowed in the accessory building provided that the accessory is a garage shop not any other accessory building.

Based on this proposal size the County deems the application refused as per Section 9.18 which exceeds the maximum allowance stated within the Section, and the proposals do not meet the definition of Accessory Building or Structure listed Section 1.2 of Land Use Bylaw 2017/48, due to there not being a residence located on the lands.
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: March 27, 2019
Appeal Deadline: April 17, 2019
David Blades, A. Sc. T, LGA
Director of Planning & Economic Development

On April 1, 2019 Administration received an appeal from Don Meadows. The appeal letter stated the following:

"Appeal of Development Permit Refusal
April 1 2019
From: Don Meadows

In regards to permit application D19/026 or known as block 5 lot 4 plan 4619 TR I am appealing the bylaw section 9.18 specifically the limitations of square footage of accessory buildings on the following grounds;

- I find it highly capricious and arbitrary that the county would without public consultation or "town hall meetings" pass a law that would in effect make my acreage as well as similar parcels unsellable, undevelopable and adversely affect people's retirement plans. Furthermore I find it troubling that none of this so far in my searches of council meeting minutes the issue of sq footage is even mentioned. How did this 1506 sq ft figure materialize? Section 9.18 states a sum of 14 percent as a maximum, this seems reasonable. however 1506 square feet is extremely punitive. One council member I consulted with cant even recall the issue of square footage coming up in council discussions!
- 152,460 sq ft or 14,163.99 m2 of area exist on the acreage. I want to potentially develop approx. 4.75 percent of that area for NON-COMMERCIAL purposes. That figure could decline to approx. 4 percent if the cabin is restored and is moved back to the lake front.
- The cabin was moved off the lake front to be moved out back for restoration purposes, and to protect the lake from media blasting, noise issues and to show consideration for the neighbors on the lakefront. I might add it was at considerable cost as well to move. It is on blocks with no services or amenities. The cabin may be moved back on to the lake front and added on to make the primary residence. I have not yet had a log home builder attend the project yet, and have plans to decide the fate of the cabin by mid 2019. It is a question of integration and meeting code(s). I request the cabin be omitted from these proceedings as if it is moved it would not be part of the acreage plan any longer.
- Existing on the acreage is a 27' by 67" white non permanent Quonset that was erected to store my marine equipment as well as construction equipment relevant to the acreage development and maintenance. It was obtained in used condition and will eventually deteriorate due to its fabric design. Once the shops are built this structure can be eventually phased out reducing building footage by 1742 square feet less leaving only 3.58 percent of land mass developed. Again this 3.58 may be less if cabin is moved.
When the 3.5 acre land parcel was purchased in 2015 along with the lake front parcel (lot 8 block 2 plan 4922K5) extensive consultations were had with Wetaskiwin planning and development ranging from the dismal state of the two properties to building the access roads and approaches and controlling the caragana trees. Planning and development was aware of the plan to build primary residence on the lake front with recreation and storage facilities on the 3.5 acres. They knew a residence would never be on the acreage due to the layout of the two properties in the subdivision.

Planning and development in 2015, 2016, 2017 had no issues with preliminary assessments of the project(s) discussed. The 50 by 80 shop was mentioned by David Blade as a possible concern due to roof height, never area size. The only non discussed topic was the potential 30x40 shop.

in short we need proper buildings to store our assets, not have scattered sheds that are unsightly and hard to secure, as well added maintenance of building costs. Marine equipment and other recreational equipment takes considerable space to store and maintain. I restore my classic vehicles, I maintain my own vehicles, I customize my snowmobiles and off road recreational equipment. I request this punitive bylaw be not allowed to interfere with my development and hobby plans.”

A Subdivision and Development Appeal Board Hearing was scheduled for Thursday, April 18, 2019 and a Notice of Appeal Hearing was sent to the Applicant/Appellant, adjacent landowners, Leduc County, and the Subdivision and Development Appeal Board and the Director of Planning and Economic Development on April 2, 2019.

Administration recommends that the Board deny the appeal from Don Meadows within SE 2-48-27-W4M, Plan 4619TR, Block 5, Lot 4 for Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’), Existing Quonset (26’x 67’x 14’) and Existing Cabin being restored on site (28’ x 36’ x 14’). Based on the following reasons:

- The proposed Development exceeds the standard of the Land Use Bylaw accessory building square foot limitation by 4,702 square feet, and
- The proposal does not meet the definition of “Accessory Building” of the Land Use Bylaw due to there being no proscribed principal use occurring on the property that the proposed buildings would be accessory to.

That the Board deny the appeal from Don Meadows within SE 2-48-27-W4M, Plan 4619TR, Block 5, Lot 4 for Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’), Existing Quonset (26’x 67’x 14’) and Existing Cabin being restored on site (28’ x 36’ x 14’).

Based on the following reasons:
- The proposed Development exceeds the standard of the Land Use Bylaw accessory building square foot limitation by 4,702 square feet, and
- The proposal does not meet the definition of “Accessory Building” of the Land Use Bylaw due to there being no proscribed principal use occurring on the property that the proposed buildings would be accessory to.

David Blades, Director of Planning and Economic Development reviewed the following in his opening presentation:

- Section 27 of The Municipal Government Act.
- Development Officer’s Report
The Board questioned, if there has been any Development Permit issued for this property. Mr. Blades said that there have been no Development Permits issued.

The Board questioned if the Cabin is not considered a residence, as per the definition listed in the Land Use Bylaw, and questioned if that is why the accessory buildings are not allowed on the property. Mr. Blades replied to the Board that yes, that is correct, according to our definitions, the Cabin does not fit the definition of a residence, and a residence is required on the property for an accessory building to be approved.

Don Meadows, the appellant commented on the following:

- Went over property history, and that it was in a terrible state and took time to clean up the property.
- Stated that the County was aware of his intentions as this lot supplements their lake front.
- Agrees that 14% would be appropriate but the 1506 square feet is not for the size of the parcel.
- Stated that the existing Quonset will be removed once the new shops are complete.
- Stated that he will not be running any commercial operations out of the buildings.
- Stated that he restores old vehicles.
- Stated that the cabin would not be serviced

Mr. Meadows stated the following revisions for shop sizes, and ask that they be considered for approval:

- The 30 x 40 shop will be know as Shop A: Shop A will have 10 foot walls. It was stated in the applications to have a 14 foot peak heights, this number is an error, I changed the quote to a 5/12 pitch height will be 15 foot 4 inches which is still within the 16 foot spec limit.
- Shop B will be the 50 x 80 shop: Again an error was made in peak height. I need 16 foot wall height to accommodate 14 foot entrance(s) for my trailers. I reworked it with the builder so instead of a 4/12 pitch that would be regrettably make the peak 24 foot 4 to a 5/12 pitch so peak heights will be 20 foot 4 inches.
- I consulted with the immediate 9 neighbors on the lakefront including adjacent neighbors on either side and they no issue with height as I have the acreage partially surrounded with 16 foot hi evergreens with another 25 evergreens and 20 birch trees similar height to be planted before May long weekend. This greatly reduces visibility and adds pleasant appearance to the neighborhood.

Tracey Mullin clarified that her and Don own two (2) properties. She advised the location of the two properties to the Board. She also mentioned that the idea is to build on the lake front property, and the appealed property (lot 4) would be strictly for storage.

The Board wanted to clarify that if the intent long term is not to build a residence on this property (Lot 4). Mr. Meadows confirmed that it is correct that there will be no residence built on Lot 4.

Blake Bartlett, an adjacent land owner addressed the Board:

- Has concerns with drainage as a result of the tree removal.
The lake lot has been completely cleared, and the 3.5 acre parcel has been cleared also.

Stated his concerns with the approaches off of TWP 480 and the internal subdivision Road referred to as Curiland B. The more approaches cause drainage issues and potential flooding.

The Board questioned Mr. Bartlett if he could describe the elevation from TWP 480 to Curilane B. Mr. Bartlett was unsure.

Mr. Blades had the following closing comments:
- Stated that lots registered prior to 1973.
- Mentioned that the Wizard Lake Management Plan is a reference document to the Land Use Bylaw.
- Stated that this lot is zoned as Country Residential not Wizard Lake Watershed.
- Stated that this proposal exceeds accessory building standard size.
- Stated that there is no dwelling on the property therefore an accessory building cannot be approved.
- Went over the Development Officer's report and the recommendation of denying the appeal.

Mr. Blades informed the Board that the Land Use Bylaw Committee is possibly looking at larger allowances for square footage of accessory buildings on properties.

Don Meadows and Tracey Mullin had the following closing comments:
- Went over drainage on the property, and the layout of the property.
- Stated there was no access onto the property in 2015 from Curilane Road.
- Stated that the drainage now goes toward the Range Road.
- Stated that he had the two approaches approved by PW.
- Stated that the only trees that were removed were the caragana's.

Violet Bryden, an adjacent landowner stated that the evergreens would be better to plant than caragana's.

Chairperson L. Johnson questioned Don Meadows if he felt he had a fair hearing.

Mr. Meadows stated that he felt he had a fair hearing.

Chairperson L. Johnson stated that with Provincial Legislation, the Board is required to issue a decision within 15 days from the date of today's hearing, No decision is binding on the Board until it issues a written decision.

The Decision of the Subdivision and Development Appeal Board is final and binding on all persons subject only to an appeal upon question of law or upon a question of jurisdiction pursuant to Section 688 of the Municipal Government Act, Chapter M-26.
Chairperson L. Johnson declared the hearing closed at 6:22 p.m. and the Board thanked the delegation for attending and they left the hearing.

The Board discussed the following to come to a decision:

- Does the Cabin meet the definition of a Dwelling.
- Does the application meet the definition of Accessory Buildings.
- The square footage of the proposed development.
- Jurisdiction of the Board.

Reasons

- The Board was of the opinion that an Accessory Building cannot be approved without an approved Dwelling on this. In Accordance with the County of Wetaskiwin No. 10 Land Use Bylaw 2017/48, an Accessory Building is defined as a building or structure which is subordinate to, exclusively devoted and incidental to the principal building or use of the lot. The principal use of this lot is residential. There currently is no existing or approved dwelling on this lot.

- The Board was of the opinion that existing Cabin on this lot was not habitable and therefore not a dwelling. In Accordance with the County of Wetaskiwin No. 10 Land Use Bylaw 2017/48, Dwelling is defined as a building containing one or more habitable rooms in which the primary use is habitation and is self-contained for that use within facilities containing bathroom(s), and may include a washroom, a kitchen, and sleeping areas for a single household for year-round residential accommodation. The cabin is not self-contained and cannot and is not being used for year-round residential accommodation.

- As per Section 687(2)(d)(ii) of the Municipal Government Act, the SDAB: (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, the proposed would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or effect the use, enjoyment or value of neighbouring parcels of land and the proposed development conforms with the use prescribed for that land or building in the land use bylaw. The Board was of the opinion that the proposed development does not conform with the uses (accessory building and dwelling) prescribed for in the County of Wetaskiwin No. Land Use Bylaw 2017/48.

- The proposal exceeds the maximum size allowed of square footage as per Section 9.18 of County of Wetaskiwin No. 10 Land Use Bylaw 2017/48.

Resolution SDAB20190418.004

MOVED: by Board Member T. Hoogland

That the Board deny the appeal from Don Meadows within SE 2-48-27-W4M, Plan 4619TR, Block 5, Lot 4 for Two New Shops (80’ x 50’ x16’ & 40’ x 30’ 14’), Existing Quonset (26’x 67’x 14’) and Existing Cabin being restored on site (28’ x 36’ x 14’).

Based on the following reasons:

- The Board was of the opinion that an Accessory Building cannot be approved without an approved Dwelling on this. In Accordance with the County of Wetaskiwin No. 10 Land Use Bylaw 2017/48, an Accessory Building is defined as a building or structure which is subordinate to, exclusively devoted and incidental to the principal building or use of the lot. The principal use of this lot is residential. There currently is no existing or approved dwelling on this lot.
• The Board was of the opinion that existing Cabin on this lot was not habitable and therefore not a dwelling. In Accordance with the County of Wetaskiwin No. 10 Land Use Bylaw 2017/48, Dwelling is defined as a building containing one or more habitable rooms in which the primary use is habitation and is self-contained for that use within facilities containing bathroom(s), and may include a washroom, a kitchen, and sleeping areas for a single household for year-round residential accommodation. The cabin is not self-contained and cannot and is not being used for year-round residential accommodation.

• As per Section 687(2)(d)(ii) of the Municipal Government Act, the SDAB: (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, the proposed would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or effect the use, enjoyment or value of neighbouring parcels of land and the proposed development conforms with the use prescribed for that land or building in the land use bylaw. The Board was of the opinion that the proposed development does not conform with the uses (accessory building and dwelling) prescribed for in the County of Wetaskiwin No. Land Use Bylaw 2017/48.

• The proposal exceeds the maximum size allowed of square footage as per Section 9.18 of County of Wetaskiwin No. 10 Land Use Bylaw 2017/48.

Carried Unanimously

5. **ADJOURN**

Resolution SDAB20190418.005

MOVED: by Board Member R. Pries

that the meeting adjourn at 6:42 p.m.

Carried Unanimously

_________________________
CHAIRPERSON

_________________________
SECRETARY