1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. MINUTES APPROVAL
4. DELEGATIONS
   4.1 Appeal of Development Permit for Bed and Breakfast and Existing House with Attached Garage, SE 35-46-6-W5M, Plan 922011, Lot 31, Gordon Dolynchuk
5. INFORMATION ITEMS
6. ADJOURN
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 anyone if 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
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.

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 anyone if had any objections to any of the members sitting on the Board.

No objections were presented.

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, Lot 4 within Curlane 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' 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') 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’ x16’ & 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 Agricultura 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’ x16’ & 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 Blades as a possible concern due to roof height, never area size. The only non discussed topic was the potential 30x 40 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 apace 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.

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

- Section 27 of The Municipal Government Act.
- Went over the 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:
  o 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.
  o 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.
  o 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 Curilane 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.

Administration recommended 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.

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 person’s 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 uses 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’ 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’). 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
Informational Notice

August 21, 2018

Attention GREYSTONES ON THE LAKE Residents;

RE: Environmental Reserve Clearing 465021 Range Road 61 “The Lands”

In my capacity as a Designated Officer of the County of Wetaskiwin No. 10, I am contacting you to advise that the County of Wetaskiwin has become aware of several instances of development occurring on the environmental reserve behind or near your property. Under the Municipal Government Act Section 671 of it states:

“Subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park.”

At present, the Lands do not comply with the Municipal Government Act Section 671 given:

1. Sheds, decks, railings, docks, bridges and other objects have been placed on the Environmental Reserve.
2. Altering the appearance of the Environmental Reserve (Unauthorized Development)

Accordingly, if these developments are owned by you, you are hereby ordered to stop unauthorized development and use of the aforementioned Lands and structures thereon and comply by:

1. Removing Developments by the end of May 2019.
2. Stop any unauthorized development immediately.

If the developments are not removed, the County will remove and the items will be held in storage for a period of time and storage fees will be applied. In addition any appreciate enforcement action if noncompliance is continued including fines.

It is the County of Wetaskiwin No. 10’s preference that your compliance occurs on a voluntary basis and that no formal action is taken. I trust the position of the County of Wetaskiwin is clear. If you have any questions or concerns please contact Bylaw Enforcement at 780-352-3321 during office Hours of 8:30 Am – 4:30 Pm, Monday – Friday.

Thank you in advance for your cooperation in this matter.

Kind Regards,

Jeff Chipley
Assistant CAO County of Wetaskiwin No. 10
780-361-6223
jchipley@county.wetaskiwin.ab.ca
Background

On May 4, 2005, the County issued Development Permit D05/75 for a Single Family House with Attached Garage. The permit was issued as a permitted use with no setback relaxations provided as the site plan indicated the structure would be 6.12 metres from the eastern most property line.

On June 17, 2009, a development permit application was submitted to the County for an addition to be built onto the already approved house with attached garage. The site plan that was provided indicated a 6.11 metre setback to the easternmost property line.

On July, 24, 2009, Development Permit D09/210 was issued for the addition to the house approved by Permit D05/75 with no relaxation being granted.

On February 22, 2019, County Administration received a request for a Certificate of Compliance for the lands to be completed. As a part of the request real property reports were submitted to the County for review. As a part of the review it was found that the house was in fact located 5.90 metres away from the eastern property line versus the over six (6) metre setback that was shown on the 2005 and 2009 site plans.

On March 27, 2019, an email was sent from Administration to Mr. Dolynchuk discussing the possibility of him applying for a permit to grant the necessary 0.1 metre (1.67%) relaxation for the house and the possibility of incorporating the potential purchasers desire to operate a bed and breakfast business into one permit as both would be discretionary and require advertising.

On April 23, 2019, Mr. Dolynchuk submitted a development permit application to the County for the necessary setback relaxation as well as for the operation of a bed and breakfast business within the residence.

On May 17, 2019, Development Permit D19/072 was issued for the setback relaxation and the operation of the bed and breakfast business.

On June 18, 2019, a Letter of Appeal was received from Paul Robinson against Development Permit D19/072.
Recommendations

Administration recommends that the Board deny the appeal from Paul Robinson within SE 35-46-06-W5M, Plan 9922011, Lot 31 for the Bed and Breakfast Business and Existing House with Attached Garage, based on the following reasons:

- Administration recommends that the Subdivision and Development Appeal Board deny the appeal as submitted by Paul Robinson and uphold issued Development Permit D19/072 for the ‘bed and breakfast business and existing house with attached garage’ within SE 35-46-06-W5M, Plan 9922011, Lot 31 for the following reasons:
  - The restrictive covenant registered on the Title of the lands is not applicable to County planning decisions;
  - As per Section 9.2.1 and Section 10.7.4(h) in the discretion of the Development Officer, there will be no impact to adjacent properties or land uses due to the 0.1 metre (1.67%) relaxation and operation of the bed and breakfast business;
  - The County’s Dangerous and Nuisance Property Bylaw 2018/52 is not a planning document and there is an established and official process in place to deal with unsightly properties;
  - Over clearing of vegetation on private land and development of County environmental reserve land are not planning considerations applicable to application D19/072 and are matters for the County’s Bylaw Enforcement Department;
  - Use of Buck Lake itself is outside the jurisdiction of the County of Wetaskiwin.

Recommended Resolution

that the Board deny the appeal from Paul Robinson within SE 35-46-06-W5M, Plan 9922011, Lot 31 for the Bed and Breakfast Business and Existing House with Attached Garage, based on the following reasons:

- Administration recommends that the Subdivision and Development Appeal Board deny the appeal as submitted by Paul Robinson and uphold issued Development Permit D19/072 for the ‘bed and breakfast business and existing house with attached garage’ within SE 35-46-06-W5M, Plan 9922011, Lot 31 for the following reasons:
  - The restrictive covenant registered on the Title of the lands is not applicable to County planning decisions;
• As per Section 9.2.1 and Section 10.7.4(h) in the discretion of the Development Officer, there will be no impact to adjacent properties or land uses due to the 0.1 metre (1.67%) relaxation and operation of the bed and breakfast business;

• The County’s Dangerous and Nuisance Property Bylaw 2018/52 is not a planning document and there is an established and official process in place to deal with unsightly properties;

• Over clearing of vegetation on private land and development of County environmental reserve land are not planning considerations applicable to application D19/072 and are matters for the County’s Bylaw Enforcement Department;

• Use of Buck Lake itself is outside the jurisdiction of the County of Wetaskiwin.
The purpose of this Subdivision and Development Appeal Board Hearing is to review the appeal of Development Permit Application D19/072 from DOLYNCHUK, GORDON for a Bed and Breakfast Business and Existing House with Attached Garage within SE-35-46-6-W5M, Lot 31, Plan 9922011.

On May 17, 2019, Administration issued a Development Permit D19/072 for the Bed and Breakfast Business and Existing House with Attached Garage within SE-35-46-6-W5M, Lot 31, Plan 9922011 as per Sections 10.7.4 (h) & 10.7.6 (a) Land Use Bylaw 2017/48.

On June 18, 2019, The Secretary of the Subdivision and Development Appeal Board received separate letters of appeal from Paul Robinson and Bonnie Jean Kerby.

An Appeal Hearing was set for Thursday, July 11, 2019 and the Notice of Appeal Hearing was sent to the Appellant, Registered Owners, Adjacent Landowners and the Director of Planning and Economic Development on June 20, 2019.

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

**SUMMARY OF EVENTS:**

- Development Officer's Report
- Development Permit Application
- Discretionary Development Permit
- Letter of Appeal
- Notice of Appeal Hearing
- Letter - June 18, 2019
- Letter - June 18, 2019
- Greystones Restrictive Covenant
- Lakeshore 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:

RELEVANT FACTS:

- On May 4, 2005, the County issued Development Permit D05/75 for a Single Family House with Attached Garage. The permit was issued as a permitted.

- On June 17, 2009, a development permit application was submitted to the County for an addition to be built onto the already approved house with attached garage. On July 24, 2009, Development Permit D09/210 was issued for the addition to the house approved by Permit D05/75 with no relaxation being granted.

- On February 22, 2019, County Administration received a request for a Certificate of Compliance for the lands to be completed. As a part of the review, it was found that the house was in fact located 5.90 metres away from the eastern property line versus the over six (6) metre setback that was shown on the 2005 and 2009 site plans.

- On April 23, 2019, Mr. Dolynchuk submitted a development permit application to the County for the necessary setback relaxation as well as for the operation of a bed and breakfast business within the residence.

- On May 17, 2019, Development Permit D19/072 was issued for the setback relaxation and the operation of the bed and breakfast business.

- On June 18, 2019, a Letter of Appeal was received from Paul Robinson against Development Permit D19/072.

- On June 19, 2019 a Letter of Appeal was received from Bonnie Jean Kerby against Development Permit D19/072.

- A Subdivision and Development Appeal Board Hearing was scheduled for Thursday, July 11, 2019 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 20, 2019.
RELEVANT LEGISLATION FOR THE BOARD’S CONSIDERATION:

4. Municipal Government Act, R.S.A. 2000, c.M-26, Sections 683 through to and including 687;
5. Municipal Government Act, R.S.A., 2000, c.M-26, Section 627;
6. County of Wetaskiwin No. 10 Land Use Bylaw 2017/48: Regulations for Land Use Districts, Section 10.7. Lakeshore Residential District

SPECIFIC CONCERNS REGARDING THE PROPOSED DEVELOPMENT:

The Appellants have presented the following concerns:

- Increased Traffic (foot and vehicle)
- Restricted Emergency Access
- Potential ATV use
- Parking Concerns
- Property Values
- Building still under construction
- Impacts to: privacy, noise, security, sewer disposal and the lake
- Restrictive Covenant

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?
COUNTY OF WETASKIWIN NO. 10
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
JULY 11, 2019 – 5:15PM

APPEAL OF DEVELOPMENT PERMIT FOR BED AND BREAKFAST AND EXISTING HOUSE WITH ATTACHED GARAGE
SE 35-46-6-W5M, PLAN 922011, LOT 31

TO: The County of Wetaskiwin No. 10
Subdivision & Development Appeal Board

FROM: Jarvis Grant
Development Officer
Applicant: Gordon Dolynchuk
Appellant: Paul Robinson

BACKGROUND/CONTEXT:

The proposed bed and breakfast business and relaxation for existing house with attached garage is located in the subdivision of Greystones on the Lake, on the SE 35-46-6-W5M, Plan 9922011, Lot 31. Greystones on the Lake is located on the northeast shore of Buck Lake. The lands in question are zoned as Lakeshore Residential and are approximately 0.99 acres in size.
On May 4, 2005, the County issued Development Permit D05/75 for a Single Family House with Attached Garage. The permit was issued as a permitted use with no setback relaxations provided as the site plan indicated the structure would be 6.12 metres from the eastern most property line.

On June 17, 2009, a development permit application was submitted to the County for an addition to be built onto the already approved house with attached garage. The site plan that was provided indicated a 6.11 metre setback to the easternmost property line.

On July, 24, 2009, Development Permit D09/210 was issued for the addition to the house approved by Permit D05/75 with no relaxation being granted.

On February 22, 2019, County Administration received a request for a Certificate of Compliance to be completed for the lands. As a part of the request, real property reports were submitted to the County for review. During the review it was found that the house was in fact located 5.90 metres away from the eastern property line versus the over six (6) metre setback that was shown on the 2005 and 2009 site plans.

On March 27, 2019, an email was sent from Administration to Mr. Dolynchuk discussing the possibility of him applying for a permit to grant the necessary 0.1 metre (1.67%) relaxation for the house and the
possibility of incorporating the potential purchasers desire to operate a bed and breakfast business into one permit as both would be discretionary and require advertising.

On April 23, 2019, Mr. Dolynchuk submitted a development permit application to the County for the necessary setback relaxation as well as for the operation of a bed and breakfast business within the residence.

On May 17, 2019, Development Permit D19/072 was issued for the setback relaxation and the operation of the bed and breakfast business.

On June 18, 2019, a Letter of Appeal was received from Paul Robinson against Development Permit D19/072.

DISCUSSION

For the reasons explained in detail below, the Development Authority recommends that this appeal be denied.

Reason 1: Non-Application of Restrictive Covenant

Within the Letter of Appeal, it is mentioned that there is a restrictive covenant on the Title of the lots within Greystones on the Lake restricting “any trade of business”. With respect to restrictive covenants, they are only enforceable through the Courts and can only be initiated by those who are subject to the same restrictive covenant. This covenant was not registered on the lots of Greystones on the Lake by the County of Wetaskiwin, a land title of the County of Wetaskiwin is not subject to the restrictive covenant and further, a restrictive covenant does not supersede County Bylaws with respect to planning and development decisions. Restrictive covenants are governed by the Land Titles Act and Section 651.1 of the Municipal Government Act.

Reason 2: County of Wetaskiwin Bylaw 2017/48 - Use

Mr. Dolynchuk’s property is zoned as Lakeshore Residential as per the County’s Land Use Bylaw 2017/48. Within Bylaw 2017/48, the Lakeshore Residential District has a list of both permitted and discretionary uses of which, a bed and breakfast business is listed as a discretionary use. Further to this, Bylaw 2017/48 sets out within the definition of a bed and breakfast business some regulations as to how it is to be operated. A bed and breakfast business is defined as:

“an accessory use of a dwelling to provide commercial accommodation in guest-rooms and where breakfast may be provided to registered guests in a common room. This use shall be subordinate to the principal use of the dwelling and does not include a hotel, motel or guest house. The residential character of the dwelling unit must be retained.”
As can be seen in the definition above, a bed and breakfast business must be subordinate to the principal use of the dwelling, look like a dwelling and must not be able to be habitable as an independent dwelling unit. To ensure that these requirements as established through the definition are met, the Development Authority placed six (6) specific conditions on Development Permit D19/072. These conditions are as follows:

“8. The number of employees for the Bed & Breakfast will be limited to the landowners of the property.

10. The proposed Bed and Breakfast shall be an accessory use of a dwelling to provide commercial accommodation in guest-rooms and where breakfast may be provided to registered guests in a common room. This use shall be subordinate to the principal use of the dwelling and does not include a hotel, motel or guest house. The residential character of the dwelling unit must be retained.

11. As stated in Land Use Bylaw 2017/48 Section 9.14.1, the minimum number of onsite vehicle parking stalls required for a Bed and Breakfast shall be 1.0 stall per guestroom.

12. The proposed Bed and Breakfast shall not be used as a Secondary Suite which is described as a designated area within a dwelling, detached, providing accommodation as a separate dwelling that may include a kitchen independent from the primary dwelling and may include rental or lease arrangements.

14. There shall be a maximum of three (3) rooms occupied at any given time.

15. Guest rooms shall not be occupied by the same tenants for more than 7 consecutive days.”

With respect to condition #14, a maximum of three (3) rooms was set to be used as guest rooms for the bed and breakfast business due to there being six (6) bedrooms in the house and the need for the bed and breakfast to be subordinate to the main residential use. Due to the occupancy limit of the dwelling not increasing and the fact that the bed and breakfast business will be subordinate to the residential use of the dwelling and be very close in nature, the Development Authority is of the opinion that noise and traffic will not be a concern. With respect to concerns surrounding the affect on the septic volume due to the bed and breakfast business, the occupancy rating for the house is not changing just the nature of the people who will be staying within the house.

**Reason 3: County of Wetaskiwin Bylaw Previous Approvals and Setbacks**

As seen in the background provided within this report, Mr. Dolynchuk previously received two development permits for the existing house. One was on May 4, 2005, for a single-family house with attached garage and the other was issued on July 24, 2009 for an addition onto the house. Both permits met the requirements of the previous Land Use Bylaw 95/54 and were issued as permitted permits with
no advertising being required. Further to this, neither permit granted a relaxation to the eastern property line as the site plans that were provided indicated that the required six (6) metre setback would be adhered to.

However, after reviewing a submitted real property report for the lands in question, it was found that the house was built 5.90 metres away from the eastern property line which would require a 0.1 metre (1.67%) relaxation. On March 27, 2019, an email was sent from Administration to Mr. Dolynchuk discussing the possibility of him applying for a permit to grant the necessary 0.1 metre (1.67%) relaxation for the house and the possibility of incorporating the potential purchasers desire to operate a bed and breakfast business into one permit as both would be discretionary and require advertising.

Within the Land Use Bylaw 2017/48, Section 3.8.1, the Development Officer has the ability to relax the setback standards of the Bylaw by up to 75% (which would reduce a 6m setback down to 1.5m setback). In the opinion of the Development Authority the 0.1m (1.67%) relaxation to the eastern property line would not have any adverse impact on adjacent landowners or land uses.

Reason 4: Planning and Non-Planning Matters

The Letter of Appeal also makes mention of issues such as excessive vegetation removal from the environmental reserve and Mr. Dolynchuk’s property, the property during construction being an unsightly premise, and potential impact on the lake due to the operation of the bed and breakfast business. In regards to the clearing of vegetation from environmental reserve and Mr. Dolynchuk’s lot, these are not items that are not taken into consideration as a part of the Development Authority’s decision making process for the issuance of Permit D19/072. Both of these matters should be directed towards the County’s Bylaw Enforcement Department. It should be noted that the County’s Bylaw Enforcement Department has already started the enforcement process with respect to the Environmental Reserve development within the entire subdivision of Greystones on the Lake, which includes Mr. Dolynchuk’s lot.

Further to this, any complaint about an unsightly premise from during the construction phase of the house is also not a valid planning concern that is to be taken into consideration. The County has a Dangerous and Unsightly Premises Bylaw, Bylaw 2018/52, which is again enforced by the County’s Bylaw Enforcement Department. Lastly, the use of and impact to Buck Lake due to the operation of a bed and breakfast business in an existing house is not something that the County has any study or statutory document restricting. As previously established in this report, the County’s Land Use Bylaw specifically allows for bed and breakfast businesses within its Lakeshore Residential District. Building on this, the County’s Municipal Development Plan outlines that Buck Lake is a Type 1 Lake which means it has been designated as an area which allows for various lake shore developments. Any use of Buck Lake itself is outside of the jurisdiction of the County of Wetaskiwin and is overseen by both the Provincial and Federal Governments in their respective capacities.
RECOMMENDATION:
It is the opinion of the Development Authority that the appeal of Development Permit D19/072 for the ‘bed and breakfast business and existing house with attached garage’ be refused and Development Permit D19/072 be upheld. The recommendation is made for the following reasons:

- The restrictive covenant registered on the Title of the lands is not applicable to County planning decisions;

- As per Section 9.2.1 and Section 10.7.4(h) in the discretion of the Development Officer, there will be no impact to adjacent properties or land uses due to the 0.1 metre (1.67%) relaxation and operation of the bed and breakfast business;

- The County’s Dangerous and Nuisance Property Bylaw 2018/52 is not a planning document and there is an established and official process in place to deal with unsightly properties;

- Over clearing of vegetation on private land and development of County environmental reserve land are not planning considerations applicable to application D19/072 and are matters for the County’s Bylaw Enforcement Department;

- Use of Buck Lake itself is outside the jurisdiction of the County of Wetaskiwin.

SUMMARY:
In summation, the Development Authority’s recommendation to the SDAB is supportive of the refusal of the appeal:

1. Administration recommends that the Subdivision and Development Appeal Board deny the appeal as submitted by Paul Robinson and uphold issued Development Permit D19/072 for the ‘bed and breakfast business and existing house with attached garage’ within SE 35-46-06-W5M, Plan 9922011, Lot 31 for the following reasons:

- The restrictive covenant registered on the Title of the lands is not applicable to County planning decisions;

- As per Section 9.2.1 and Section 10.7.4(h) in the discretion of the Development Officer, there will be no impact to adjacent properties or land uses due to the 0.1 metre (1.67%) relaxation and operation of the bed and breakfast business;

- The County’s Dangerous and Nuisance Property Bylaw 2018/52 is not a planning document and there is an established and official process in place to deal with unsightly properties;
• Over clearing of vegetation on private land and development of County environmental reserve land are not planning considerations applicable to application D19/072 and are matters for the County’s Bylaw Enforcement Department;

• Use of Buck Lake itself is outside the jurisdiction of the County of Wetaskiwin.
APPENDIX

Appendix 1 – Applicable Legislation

Municipal Government Act

Development Appeals are governed by Sections 683 through to and including Section 687 of the MGA which also forms part of the County of Wetaskiwin No.10 Land Use Bylaw. In this regard, the Subdivision and Development Appeal Board of the County of Wetaskiwin No.10 has jurisdiction to hear and render a decision on the appeal.

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.

Restrictive covenant
651.1(1) In this section, “restrictive covenant” means a condition or covenant under which land, or any specified portion of land, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(2) Despite the Land Titles Act or any other enactment, a municipality may register a caveat under the Land Titles Act in respect of any restrictive covenant granted by the registered owner of a parcel of land to the municipality for the benefit of land that is under the direction, control and management of the municipality whether or not the municipality has been issued a certificate of title to that land.

(3) A caveat registered pursuant to subsection (2)
   (a) shall be registered against the certificate of title to the parcel of land
      (i) that is subject to the restrictive covenant, and
      (ii) that was issued to the person who granted the restrictive covenant,
   (b) has the same force and effect as if it had been a condition or covenant registered under section 48 of the Land Titles Act,
   (c) may be discharged only by the municipality or an order of a court, and
   (d) does not lapse pursuant to the provisions of the Land Titles Act governing the lapsing of caveats.

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

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(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw

**Land Use Bylaw 2017/048**

1.2 Definitions

**Bed and Breakfast** means an accessory use of a dwelling to provide commercial accommodation in guest-rooms and where breakfast may be provided to registered guests in a common room. This use shall be subordinate to the principal use of the dwelling and does not include a hotel, motel or guest house. The residential character of the dwelling unit must be retained.

3.8 Variance Provisions

3.8.1 With the exception of Section 9.10.4 the Development Officer may relax the setback standards of this Bylaw by up to 75%.

10.7 Lakeshore Residential District

10.7.1 Purpose

The purpose of the Lakeshore Residential District (LR) is to allow for the subdivision and development of residential uses adjacent to County lakes.

10.7.2 Lake Access

Through the planning process Council will ensure that public access to lakes is maintained and, where possible, enhanced.

10.7.3 Permitted Uses

a) Dwelling, Detached
b) Buildings and uses accessory to the above

c) Dwelling, Mobile – New
d) Dwelling, Mobile – Used
e) Dwelling, Modular – New
f) Dwelling, Modular – Used
g) Dwelling, Moved-in
h) Dwelling, Secondary Suite
i) Home Occupation
j) Bed and Breakfast
i) Guest Cabin - if a primary dwelling exists
j) Public Utility
k) Show Home
l) Buildings and uses accessory to the above
m) Recreational Vehicle Use (where no dwelling exists – maximum 3-year permit. If the landowner wants the use to continue,

10.7.5 Lot Sizes
a) In a proposed subdivision served or to be served by municipal water and sewer services each lot intended for residential use must have an area of at least 450.0 square meters (4857 square feet) and a minimum width of 15.2 meters (50 feet).

b) In a proposed subdivision served or to be served by a municipal sewer service, but not by a municipal water service, each lot intended for residential use shall have an area of at least 929.0 square meters (10,000 square feet) and an average width of at least 21.3 meters (70 feet).

c) In a proposed subdivision served or to be served by a municipal water service but not a municipal sewer service each lot intended for residential use must have an area of at least 1,394.0 square meters (15,000 square feet) with a minimum width of 30.5 meters (100 feet).

d) In a proposed subdivision not served or not to be served by municipal water and sewer services, each lot intended for residential use must have an area of at least 1,858.0 square meters (20,000 square feet) with a minimum width of 30.5 meters (100 feet).

e) Irregular (i.e. pie-shaped) lots under (c) and (d) above must have a minimum average lot width of 30.5 meters (100 feet).

10.7.6 Setbacks
a) No development can be located within 6.0 meters (20 feet) of a road, the shore of a water feature as defined by Section 3 of the Public Lands Act, or the property line of a reserve parcel.

b) No development can be located within 1.5 meters (5 feet) of any other property line.

10.7.7 Site Coverage
The area of land covered by all buildings must not exceed 40% of the area of the lot on which the buildings are situated.

10.7.8 Guest Cabin
Guest cabins must not contain kitchen or plumbing services and must fall under the requirements of the definition of this Bylaw.

10.7.9 Environmental Protection Measures
a) See Section 9.3.
b) No more than 50% of the area in a Lakeshore Residential parcel can be cleared of its natural vegetation.

10.7.10 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)

10.7.11 Recreational Vehicles
Recreational Vehicles may be authorized as outlined in Section 3.12, Recreational Vehicles.

10.7.12 Sewage and Wastewater
Sewage and wastewater systems are required as outlined in Section 3.12.1(g), Recreational Vehicles. Utility hookups are required as outlined in Section 3.12.1(h), Recreational Vehicles.

10.7.14 Enforcement
Offences and fines are outlined in Section 5, Contravention.
### 9.14 Parking and Loading

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<th>Parking Requirement</th>
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<td>Service Station</td>
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<td>Auto Wrecking Yard</td>
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<td>All Other Industrial Uses:</td>
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<td>Manufacturing and Processing Operation</td>
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<td>1 per 100.0 m² GFA, and not less than 3 per tenant or establishment</td>
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<td>1.0 per 4 beds plus where applicable, plus</td>
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<td>1.0 per 2 employees</td>
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<td>1.0 per 1-bedroom dwelling unit,</td>
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<td>1.5 per 2-bedroom dwelling unit, and</td>
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<td>2.0 per 3+ bedroom dwelling unit, plus</td>
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<td>1.0 visitor stall for every 7 dwelling units</td>
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<td>Home Occupation</td>
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<td>1.0 per 4 sleeping units</td>
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<td>Show Home</td>
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<td>4.0 per 100.0 m² GFA</td>
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<td>Motel</td>
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<tr>
<td>Recreational Vehicle (RV) Development</td>
<td>1.0 visitor stall for every 7 lots</td>
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**Land Titles Act**

48(1) There may be registered as annexed to any land that is being or has been registered, for the benefit of any other land that is being or has been registered, a condition or covenant that the land, or any specified portion of the land, is not to be built on, or is to be or not to be used in a particular manner, or any other condition or covenant running with or capable of being legally annexed to land.

(2) When any such condition or covenant is presented for registration, the Registrar shall enter a memorandum of it on the proper certificate or certificates of title.

(3) Notwithstanding subsection (2), before a memorandum of a condition or covenant may be entered on a certificate of title under subsection (2), certificates of title must exist for all the parcels of land affected by the condition or covenant, including the parcel of land that comprises the servient tenement and the parcel of land that comprises the dominant tenement.

(4) The first owner, and every transferee, and every other person deriving title from the first owner or through tax sale proceedings, is deemed to be affected with notice of the condition or covenant, and to be bound by it if it is of such nature as to run with the land, but any such condition or covenant may be modified or discharged by order of the court, on proof to the satisfaction of the court that the modification will be beneficial to the persons principally interested in the enforcement of the condition or covenant or that the condition or covenant conflicts with the provisions of a land use bylaw or statutory plan under Part 17 of the Municipal Government Act, and the modification or discharge is in the public interest.

(5) The entry on the register of a condition or covenant as running with or annexed to land does not make it run with the land, if the covenant or condition on account of its nature, or of the manner in which it is expressed, would not otherwise be annexed to or run with the land.

(6) No such condition or covenant is deemed to be an encumbrance within the meaning of this Act.

---

**Municipal Development Plan**

**Objective 4.1** Lakes in the County are categorized according to their respective primary roles

The lakes in the County are categorized according to the intensity of the intended use of each lake.

4.1.1 The types of lakes are established as follows:

Type 1: Development - These lakes accommodate various lake shore recreational and residential development.

Type 2: Low-impact Development - These lakes accommodate low impact and small scale development on the lakeshore. These lakes are suitable for wildlife habitat and wilderness conservation.
Type 3: Protection - Lakeshore development is not allowed due to various constraints such as access, size, depth, surrounding land uses.

4.1.2 County's named lakes are categorized as follows:
Type 1: Development - Buck Lake, and Pigeon Lake

Type 2: Low-impact Development - Battle Lake, Bearhills Lake, Town Lake, and Wizard Lake

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: Gordon Dolychuk

Mailing Address: 11459 - 149 ST EDMONTON AB T5M 1W8

Phone Number: 780-236-4601

Email Address/Fax Number: jerry@wbsedm.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: I (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 RANGE WEST OF MERIDAN

OR

PLAN 992 2011 BLOCK LOT 31

Is your property located within ½ 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.: DJ0217 Roll No.: 455207 Land Use District: LR

Receipt No.: 334569 Received Date Apr 23/19 Division: 4

Subdivision: Greystones on the Lake Per/Dis: □

County of Wetaskiwin No. 10-Development Permit Application - Page 37 of 81
## PROPOSED DEVELOPMENT(S)

<table>
<thead>
<tr>
<th>Development Proposal(s): Type of Development (Include Dimensions &amp; Number of Storeys)</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Any structure that is 108 sq. ft. /10 m² or over requires a development permit</em></td>
</tr>
<tr>
<td><em>Decks 2 ft./0.61 m or higher require a development permit</em></td>
</tr>
<tr>
<td><em>If this application is for a Business please go to Page 4.</em></td>
</tr>
</tbody>
</table>

### 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.*

<table>
<thead>
<tr>
<th>Building</th>
<th>Building</th>
<th>Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length:</td>
<td>Width:</td>
<td>Length:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Width:</td>
</tr>
<tr>
<td>Height:</td>
<td></td>
<td>Height:</td>
</tr>
</tbody>
</table>

### 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): ____________________________
### PLEASE DESCRIBE THE FOLLOWING ABOUT THE PROPOSED BUSINESS:

<table>
<thead>
<tr>
<th><strong>Name of Business:</strong></th>
<th>Bed and Breakfast</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Business:</strong></td>
<td>Home Business □ Commercial □ Mobile</td>
</tr>
<tr>
<td>Will there be any new construction for the Business?</td>
<td>No □ Yes, you will require to apply for a Development Permit (Please fill out Page 3)</td>
</tr>
<tr>
<td>Will any existing buildings be used for the Business?</td>
<td>No □ Yes, if yes please describe and label on the site plan on Page 6:</td>
</tr>
<tr>
<td><strong>Hours of Operation (Indicate Open to Close):</strong></td>
<td>Monday □ Tuesday □ Wednesday □ Thursday □ Friday □ Saturday □ Sunday □ Holidays □ Year Round □ Seasonal</td>
</tr>
<tr>
<td><strong>Number of Employees (excludes occupant of Dwelling/Principal Owner):</strong></td>
<td>0</td>
</tr>
<tr>
<td>What type of equipment will be used on your premises for your business (i.e. Computers, welding equipment, Bull dozer, gas tanks, tools, etc.)?</td>
<td>Computers, stoves</td>
</tr>
<tr>
<td>Will there be outside storage of materials?</td>
<td>No □ Yes, if yes where and indicate in detail on the site plan on Page 6</td>
</tr>
<tr>
<td>Is there going to be excess noise created?</td>
<td>No □ Yes, if yes please describe:</td>
</tr>
<tr>
<td>Is there going to be Increased Traffic?</td>
<td>No □ Yes, if yes please describe:</td>
</tr>
<tr>
<td>Is there sufficient parking on the lots for employees/clients/customers and delivery trucks?</td>
<td>No □ Yes, if yes Please indicated the number of Parking spaces &amp; loading areas(s) on the site plan on Page 6.</td>
</tr>
<tr>
<td><strong>Estimated cost for Business (for statistic Purpose only):</strong></td>
<td>0</td>
</tr>
<tr>
<td>In the space below please provide a detailed description of the nature of the business including: services provided, products manufactured, items repaired, and goods offered for sale. If there is insufficient space, please attach any additional pages needed.</td>
<td>Run a Bed &amp; Breakfast.</td>
</tr>
</tbody>
</table>
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.

See Attached Plot Plan

Excerpt 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: April 18, 2019
Signature of Owner(s):

Signature of Owner(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: __________________________
NOTES:
1. ALL DISTANCES ARE IN METERS AND DECIMAL DECIMETRES.
2. UNLESS OTHERWISE SPECIFIED, THE DIMENSIONS SHOWN RELATE TO DISTANCES FROM PROPERTY BOUNDARIES.
3. THIS PLAN IS PAGE 2 OF A REAL PROPERTY REPORT AND IS INAPROPRIATE IF DETACHED FROM PAGE 1.
4. COPY OF THE ORIGINAL ON REVERSE SIDE OF THIS DOCUMENT.
5. ALL FENCES ARE WITHIN 0.20 M OF THE PROPERTY LINE UNLESS OTHERWISE NOTED.
6. EXISTING STRUCTURES ARE TO THE OUTSIDE FACE OF THE FENCE.
7. ALL TAILED DIMENSIONS SHOWN ARE PERPENDICULAR OR PARALLEL FROM PROPERTY LINES UNLESS OTHERWISE INDICATED.
8. UNDERGROUND UTILITIES ARE LOCATED.
May 17, 2019

DOLYNCHUK, GORDON
11459 149 ST
EDMONTON, AB, T5M 1W8

Dear DOLYNCHUK, GORDON;

RE: Proposed Development: Bed and Breakfast Business and Existing House with Attached Garage

Land Location: SE-35-46-6-W5
Lot 31, Plan 9922011

Municipal Address: 1, 465022 RGE RD 61
Tax Roll Number: 455207

This will acknowledge that your completed development permit application submitted to our office April 23, 2019 for the above described development has been APPROVED by the Development Officer subject to the following conditions:

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 front yard setback of 6 metres (20 feet) as per Land Use By-law 2017/48, has been relaxed to the proposed distance of 5.9 metres (19.36 feet) as it appears on the submitted plot plan.

7. If there are concerns or complaints regarding the operation of the business at this site, the County reserves the right to amend and/or add conditions to the approval.

8. The number of employees for the Bed & Breakfast will be limited to the landowners of the property.
9. All signs related to this development will require written approval of the County of Wetaskiwin.

10. The proposed Bed and Breakfast shall be an accessory use of a dwelling to provide commercial accommodation in guest-rooms and where breakfast may be provided to registered guests in a common room. This use shall be subordinate to the principal use of the dwelling and does not include a hotel, motel or guest house. The residential character of the dwelling unit must be retained.

11. As stated in Land Use Bylaw 2017/48 Section 9.14.1, the minimum number of onsite vehicle parking stalls required for a Bed and Breakfast shall be 1.0 stall per guestroom.

12. The proposed Bed and Breakfast shall not be used as a Secondary Suite which is described as a designated area within a dwelling, detached, providing accommodation as a separate dwelling that may include a kitchen independent from the primary dwelling and may include rental or lease arrangements.

13. The Development Permit will be rendered void if any of the conditions are not complied with.

14. There shall be a maximum of three (3) rooms occupied at any given time.

15. Guest rooms shall not be occupied by the same tenants for more than 7 consecutive days.

16. The applicant is to contact Alberta Health Services for their requirements prior to operating the Bed & Breakfast. Alberta Health Services can be contacted at (780) 361-4364.

This is a discretionary use as specified by Section 10.7.4 (h) & 10.7.6 (a) of Land Use By-law 2017/48.

Failure to comply with any of the above conditions will render this permit null and void.

The applicant is also advised of the following:

1. The development shall comply with all applicable Provincial and Federal Regulations.

2. The developer has two (2) years from the date of issuance to complete the proposed development, unless otherwise outlined in the conditions of this permit.

3. All Recreational Vehicle Use, Short Term Camping and recreational Vehicle (RV) Storage must comply with the provisions outlined and defined in the County's Land Use Bylaw 2017/48.

4. This issuance of this development permit does not supersede or suggest violation of any caveat, easement, restrictive covenant or other encumbrance shown on the back of the Certificate of Title. It is the responsibility of the applicant/owner to research the Certificate of Title for the existence of any encumbrance.

5. The applicant is advised that it is their responsibility to contact the Alberta Energy Regulator Information Services by telephone at 403-297-8311, by fax at 403-297-7336 or by e-mail inquiries@aer.ca, with respect to required setback distances from abandoned wells, surface developments and/or active Oil and Gas facilities.

6. The applicant is advised that the development may be in a rural area in which may be subject to typical agricultural operation uses on adjacent or nearby lands including, but not limited to, confined feeding operations and manure storage facilities as defined under the Agricultural Operation Practices Act, and any nuisance that may arise from such uses.

7. It is the responsibility of the applicant to contact the County to inquire if any appeals have been received.

8. No physical excavation or construction may legally begin prior to the effective date (or such later date should an appeal be received). Any excavation or construction started prior to the effective date will be done at the sole risk and cost of the applicant.

9. A permit is issued in accordance with the notice of decision is valid for a period of one (1) year from the date of issue. If at the expiry of this period, the development has not been commenced of carried out
with reasonable diligence, this permit shall be null and void.

As the applicant or adjacent landowner, you are being notified in accordance with the County of Wetaskiwin Land Use By-law 2017/48. If you wish to appeal the approval of this development, please fill out the attached form along with a written submission stating the grounds of appeal, along with the $150.00 appeal fee, must be received on or before 4:30 p.m., June 20, 2019. The appeal should be addressed to the Secretary of the Subdivision & Development Appeal Board, County of Wetaskiwin No. 10, Box 6560, Wetaskiwin, Alberta T9A 2G5. In the event an appeal is received, a hearing will be scheduled.

DATE OF DECISION: May 30, 2019

DATE EFFECTIVE: June 21, 2019

No physical excavation or construction may legally begin prior to the effective date (or such later date should an appeal be received) Any excavation or construction started prior to the effective date will be done at the sole risk and cost of the applicant.

DATE OF DECISION: May 30, 2019

cc: Assessment Department
    Councillor Division 7
    Adjacent Landowners
10.7 Lakeshore Residential District (LR)

10.7.1 Purpose

The purpose of the Lakeshore Residential District (LR) is to allow for the subdivision and development of residential uses adjacent to County lakes.

10.7.2 Lake Access

Through the planning process Council will ensure that public access to lakes is maintained and, where possible, enhanced.

10.7.3 Permitted Uses

a) Dwelling, Detached
b) Buildings and uses accessory to the above

d) Dwelling, Modular – Used
e) Dwelling, Moved-in
f) Dwelling, Secondary Suite
g) Home Occupation
h) Bed and Breakfast
i) Guest Cabin - if a primary dwelling exists
j) Public Utility
k) Show Home
l) Buildings and uses accessory to the above

10.7.4 Discretionary Uses

a) Dwelling, Mobile – New
b) Dwelling, Mobile – Used
c) Dwelling, Modular – New
d) Dwelling, Modular – Used
e) Dwelling, Moved-in
f) Dwelling, Secondary Suite
g) Home Occupation
h) Bed and Breakfast
i) Guest Cabin - if a primary dwelling exists
j) Public Utility
k) Show Home
l) Buildings and uses accessory to the above
m) Recreational Vehicle Use (where no dwelling exists – maximum 3-year permit. If the landowner wants the use to continue, they may reapply for the use prior to the expiry of the development permit)

10.7.5 Lot Sizes

a) In a proposed subdivision served or to be served by municipal water and sewer services each lot intended for residential use must have an area of at least 450.0 square meters (4857 square feet) and a minimum width of 15.2 meters (50 feet).

b) In a proposed subdivision served or to be served by a municipal sewer service, but not by a municipal water service, each lot intended for residential use shall have an area of at least 929.0 square meters (10,000 square feet) and an average width of at least 21.3 meters (70 feet).

c) In a proposed subdivision served or to be served by a municipal water service but not a municipal sewer service each lot intended for residential use must have an
area of at least 1,394.0 square meters (15,000 square feet) with a minimum width of 30.5 meters (100 feet).

d) In a proposed subdivision not served or not to be served by municipal water and sewer services, each lot intended for residential use must have an area of at least 1,858.0 square meters (20,000 square feet) with a minimum width of 30.5 meters (100 feet).

e) Irregular (i.e. pie-shaped) lots under (c) and (d) above must have a minimum average lot width of 30.5 meters (100 feet).

10.7.6 Setbacks

a) No development can be located within 6.0 meters (20 feet) of a road, the shore of a water feature as defined by Section 3 of the Public Lands Act, or the property line of a reserve parcel.

b) No development can be located within 1.5 meters (5 feet) of any other property line.

10.7.7 Site Coverage

The area of land covered by all buildings must not exceed 40% of the area of the lot on which the buildings are situated.

10.7.8 Guest Cabin

Guest cabins must not contain kitchen or plumbing services and must fall under the requirements of the definition of this Bylaw.

10.7.9 Environmental Protection Measures

a) See Section 9.3.

b) No more than 50% of the area in a Lakeshore Residential parcel can be cleared of its natural vegetation.

10.7.10 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)

10.7.11 Recreational Vehicles

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

10.7.12 Sewage and Wastewater

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

10.7.13 Utility Hookups
Utility hookups are required as outlined in Section 3.12.1(h), Recreational Vehicles.

10.7.14 Enforcement

Offences and fines are outlined in Section 5, Contravention.
June 15, 2019

County of Wetaskiwin No. 10
Box 6960
Wetaskiwin, Alberta
T9A 2G5

Attention: Secretary of the Subdivision and Development Appeal Board

Dear Sirs & Madams,

This letter is being submitted by the adjacent and closely neighboring property owners in opposition to a proposed development of a Bed and Breakfast applied for by Gordon Dolynchuk at Greystones on the Lake, Buck Lake Alberta. The property location is SE-35-46-W5. Lot 31, Plan 9922011.

In the restrictive covenants of the Greystones on the Lake contained in subsection 1.7 it states: No Lot or building thereon shall be used for any trade or business. Please find enclosed for your convenience a copy of the said restrictive covenants for Greystones on the Lake, Buck Lake, Alberta.

Due to the extreme size and height of the main structures on all of Mr. Dolynchuk's developed properties the neighboring properties have already been substantially negatively impacted. In addition to the sizable structures the property setbacks have been infringed on and the County of Wetaskiwin bylaw of maintaining 40% of the natural vegetation on the property has not be complied with. Any and all sight or sound barriers between Mr. Dolynchuck's properties and the neighboring ones have been required to be constructed by the way of fencing or maintained in the way of vegetation at the sole responsibility and expense of the neighboring property owners. Although the property mentioned above began construction in 2005 and the exterior front finish was completed several years ago the exterior side facing the adjacent property was not completed until May of 2019 leaving the neighbors on that side with a consistent view of unfinished deteriorating Styrofoam for approximately the past 14 years. In our opinion developments have diminished the property values for the neighbors in close proximately to them and we agree that opening up the structures to the public as a business will have even greater negative impact in regards to privacy, noise, traffic, security, impact on the lake, sewer disposal, and again have even more negative impact on neighboring property values.
We realize that it's not possible for each of you in this decision making process to actually drive out to the above mentioned property in order to make the final decision. Although all of the developed properties currently listed for sale by Mr. Dolynchuk are and do look extremely impressive from the front also in the real estate listing they seem to be a natural fit for a Bed & Breakfast situation the look of them and the impact on the neighbors shows a much different view. Please see the attached photos of the properties taken from not only front views but rear and side views as well.

We the following, kindly ask that you will consider our concerns when making your decision in regards to final approval for a Bed and Breakfast on the above mentioned property.

Sincerely,

Dean & Jody Schlamp Lot 35, Greystones on the Lake
Wayne Rodway Lot 34, Greystones on the Lake
Dave Fior Lot 33, Greystones on the Lake
Paul Robinson Lot 32, Greystones on the Lake
Patti Fulton Lot 28,27 Greystones on the Lake
John & Joanne Sweazey Lot 26 Greystones on the Lake
County of Wetaskiwin No. 10
Development Permit Appeal Form

Upon receiving this completed Appeal Form a Hearing will be scheduled within 30 days. The Hearing will be scheduled after 5:15 p.m. Monday - Thursday. You will be notified of the scheduled Hearing by Registered Mail.

PLEASE NOTE:

The County of Wetaskiwin No. 10 requires that a non-refundable fee of $150.00 for an appeal to be sent to the Secretary of the Subdivision and Development Appeal Board. The fee may be paid by debit, cash, or a cheque made payable to the County of Wetaskiwin No. 10.

With this written submission, the information that you provide may be made public subject to the provisions of the Freedom of Information and Protection of Privacy Act.

Appeal of Development Permit: D19/072 of SE-35-46-6-W5M Lot 31, Plan 9922011 for Bed and Breakfast Business and Existing House with Attached Garage

| Date of Appeal Application: | JUNE 17, 2019 |
| Name of Appellant(s): | PAUL ROBINSON LOT 32 GREYSTONES ON THE LAKE |
| Appellant Phone Number: | 780-236-3612 |
| Appellant Address: | BOX 560 TOCOTO BUCKLAKE ALBERTA |

You must attach a letter stating your grounds for Appeal to this application.

Please indicate if there are any date(s) and times within 30 days of this application that you would not be able to attend a Hearing, also please indicate the best way to contact you when the a Hearing has been scheduled:

______________________________
Signature of Appellant(s):

For Office Use Only

| Date Received: |
| Receipt Number: |
County of Wetaskiwin No. 10

Development Permit Appeal Form

Upon receiving this completed Appeal Form a Hearing will be scheduled within 30 days. The Hearing will be scheduled after 5:15 p.m. Monday - Thursday. You will be notified of the scheduled Hearing by Registered Mail.

PLEASE NOTE:

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With this written submission, the information that you provide may be made public subject to the provisions of the Freedom of Information and Protection of Privacy Act.

Appeal of Development Permit: D19/072 of SE-35-46-6-W5M Lot 31, Plan 9922011 for Bed and Breakfast Business and Existing House with Attached Garage

<table>
<thead>
<tr>
<th>Date of Appeal Application:</th>
<th>June 15, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Appellant(s):</td>
<td>Patti Fulton</td>
</tr>
<tr>
<td>Appellant Phone Number:</td>
<td>(780) 682-2532</td>
</tr>
<tr>
<td>Appellant Phone Number:</td>
<td></td>
</tr>
<tr>
<td>Appellant Mailing Address:</td>
<td>Box 598 Buck Lake, Alberta T0C 0R0</td>
</tr>
</tbody>
</table>

You must attach a letter stating your grounds for Appeal to this application.

Please indicate if there are any date(s) and times within 30 days of this application that you would not be able to attend a Hearing, also please indicate the best way to contact you when the a Hearing has been scheduled: patti.fulton@rocketmail.com

Signature of Appellant(s): Patti Fulton

For Office Use Only

Date Received:
Receipt Number:
County of Wetaskiwin No. 10

Development Permit Appeal Form

Upon receiving this completed Appeal Form a Hearing will be scheduled within 30 days. The Hearing will be scheduled after 5:15 p.m. Monday - Thursday. You will be notified of the scheduled Hearing by Registered Mail.

PLEASE NOTE:

The County of Wetaskiwin No. 10 requires that a non-refundable fee of $150.00 for an appeal to be sent to the Secretary of the Subdivision and Development Appeal Board. The fee may be paid by debit, cash, or a cheque made payable to the County of Wetaskiwin No. 10.

With this written submission, the information that you provide may be made public subject to the provisions of the Freedom of Information and Protection of Privacy Act.

Appeal of Development Permit: D19/072 of SE-35-46-6-W5M Lot 31, Plan 9922011 for Bed and Breakfast Business and Existing House with Attached Garage

Date of Appeal Application: June 15, 2019
Name of Appellant(s): Rodway, Wayne A and Ada A
Appellant Phone Number: 780-316-1605
Appellant Mailing Address: 236 Greenoch Cres., Edmonton AB, T6L 1B4

You must attach a letter stating your grounds for Appeal to this application.

Please indicate if there are any date(s) and times within 30 days of this application that you would not be able to attend a Hearing, also please indicate the best way to contact you when the Hearing has been scheduled:

E-mail: rodways@shaw.ca

Signature of Appellant(s):

For Office Use Only

Date Received:
Receipt Number:
County of Wetaskiwin No. 10

Development Permit Appeal Form

Upon receiving this completed Appeal Form a Hearing will be scheduled within 30 days. The Hearing will be scheduled after 5:15 p.m. Monday - Thursday. You will be notified of the scheduled Hearing by Registered Mail.

PLEASE NOTE:
The County of Wetaskiwin No. 10 requires that a non-refundable fee of $150.00 for an appeal to be sent to the Secretary of the Subdivision and Development Appeal Board. The fee may be paid by debit, cash, or a cheque made payable to the County of Wetaskiwin No. 10.

With this written submission, the information that you provide may be made public subject to the provisions of the Freedom of Information and Protection of Privacy Act.

Appeal of Development Permit: D10072 of SE-35-46-S5-W5 Lot 31, Plan 9922011 for Bed and Breakfast Business and Existing House with Attached Garage

<table>
<thead>
<tr>
<th>Date of Appeal Application:</th>
<th>June 16, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Appellant(s):</td>
<td>Arla &amp; Jody Schlimp</td>
</tr>
<tr>
<td>Appellant Phone Number:</td>
<td>403-631-2862</td>
</tr>
<tr>
<td>Appellant Phone Number:</td>
<td>403-253-4793</td>
</tr>
<tr>
<td>Appellant Mailing Address:</td>
<td>236 Ottonham Rd N.W. Calgary, AB T2K 5N5</td>
</tr>
</tbody>
</table>

You must attach a letter stating your grounds for Appeal to this application.

Please indicate if there are any dates/times within 30 days of this application that you would not be able to attend a Hearing, also please indicate the best way to contact you when the Hearing has been scheduled.

Signature of Appellant(s): [Signature]

For Office Use Only

Date
Received:
Receipt Number:
### Development Permit Appeal Form

Upon receiving this completed Appeal Form a Hearing will be scheduled within 30 days. The Hearing will be scheduled after 5:15 p.m. Monday - Thursday. You will be notified of the scheduled Hearing by Registered Mail.

**PLEASE NOTE:**

The County of Wetaskiwin No. 10 requires that a non-refundable fee of $150.00 for an appeal to be sent to the Secretary of the Subdivision and Development Appeal Board. The fee may be paid by debit, cash, or a cheque made payable to the County of Wetaskiwin No. 10.

With this written submission, the information that you provide may be made public subject to the provisions of the Freedom of Information and Protection of Privacy Act.

**Appeal of Development Permit:** D19/072 of SE-35-46-6-W5M Lot 31, Plan 9922011 for Bed and Breakfast Business and Existing House with Attached Garage

<table>
<thead>
<tr>
<th>Date of Appeal Application:</th>
<th>JUNE 15 /2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Appellant(s):</td>
<td>DAVE FINCH</td>
</tr>
<tr>
<td>Appellant Phone Number:</td>
<td>403 852 - 1965</td>
</tr>
<tr>
<td>Appellant Mailing Address:</td>
<td>PO BOX 10 BUCK LAKE AB T0C 0C0</td>
</tr>
</tbody>
</table>

You must attach a letter stating your grounds for Appeal to this application.

Please indicate if there are any date(s) and times within 30 days of this application that you would not be able to attend a Hearing, also please indicate the best way to contact you when the Hearing has been scheduled.

---

Signature of Appellant(s): [Signature]
County of Wetaskiwin No. 10

Development Permit Appeal Form

Upon receiving this completed Appeal Form a Hearing will be scheduled within 30 days. The Hearing will be scheduled after 5:15 p.m. Monday - Thursday. You will be notified of the scheduled Hearing by Registered Mail.

PLEASE NOTE:

The County of Wetaskiwin No. 10 requires that a non-refundable fee of $150.00 for an appeal to be sent to the Secretary of the Subdivision and Development Appeal Board. The fee may be paid by debit, cash, or a cheque made payable to the County of Wetaskiwin No. 10.

With this written submission, the information that you provide may be made public subject to the provisions of the Freedom of Information and Protection of Privacy Act.

Appeal of Development Permit: D19/072 of SE-35-46-6-W5M Lot 31, Plan 9922011 for Bed and Breakfast Business and Existing House with Attached Garage

Date of Appeal Application: JUNE 16, 2019
Name of Appellant(s): JOHN SWAZEEY & JOANNE HART
Appellant Phone Number: 403-464-9798
Appellant Phone Number:
Appellant Mailing Address: 1924 WESTMOUNT RD., NW. CALGARY, AB T2N 3M7

You must attach a letter stating your grounds for Appeal to this application.

Please indicate if there are any date(s) and times within 30 days of this application that you would not be able to attend a Hearing, also please indicate the best way to contact you when the Hearing has been scheduled:

UNAVAILABLE ON THE DATES OF JULY 5 TO JULY 10TH

Signature of Appellant(s): [Signature]

For Office Use Only

Date
Received:
Receipt
Number:
RESTRICTIVE COVENANT
GREYSTONES ON THE LAKE
BUCK LAKE, ALBERTA

WHEREAS ELIZABETH MARY HEIGHINGTON (the Developer) is the registered owner of an estate in fee simple of the following lands:

LOTS 26, 27, 28 AND 29
PLAN 9920390
EXCEPTING THEREFROM ALL MINES AND MINERALS
in the Province of Alberta

(hereinafter collectively referred to as the "Lots" and individually as a "Lot")

WHEREAS the Developer wishes to maintain the general character of the Lots and each of them and has determined to establish, impose and annex to the Lots certain covenants restrictive in nature in respect of the use, occupation and improvement of the Lots and each of them; and

WHEREAS it is desirable that the benefit of the restrictive covenants herein set forth be annexed to and run with the Lots and each of them as the dominant lands and that the burden of the restrictive covenants be annexed to and bind the Lots and each of them as the servient lands and bind every owner and all subsequent owners thereof from time to time.

WITNESSETH that the Developer as Covenantor, on behalf of itself, its successors in title from time to time and the persons deriving title under it or them, covenants with itself as Covenantee on behalf of itself, its successors in title from time to time and the persons deriving title under it or them, to the intent that the burden of the covenants shall run with and bind the Lots and each of them and to the intent that the benefit thereof shall be annexed to and run with the Lots and each of them, as follows:

1. RESTRICTIONS

1.1 No building or improvement shall be constructed or placed on any Lot except in compliance with:

a) The Land Use Bylaw of the County of Wetaskiwin No. 10 from time to time in force and effect;

b) The provisions of any Easement or Utility Right of Way respecting the Lots; and

c) The provisions of this Restrictive Covenant.
1.2 The Lots shall be used for single family residential purposes only and no attached or semi-detached house, duplex or apartment building shall be erected or placed on any Lot, and not more than one detached house with or without accessory buildings such as a garage, boathouse, guesthouse or outhouse, in compliance with the Land Use Bylaw of the County of Wetaskiwin No. 10, shall be erected or placed on any Lot.

1.3 No house with an above-grade main floor area of less than 850 square feet excluding deck, porch, patio and garage shall be erected or placed on any Lot.

1.4 No mobile home, of any width, shall be placed or kept on any Lot at any time. For the purposes of this clause “mobile home” shall mean a building or structure with or without wheels designed or equipped as a stationary dwelling place and constructed to be moved from one point to another by being towed or carried by a truck but does not include a vacation trailer or motor home.

1.5 Not more than one vacation trailer shall be placed or kept on any Lot at any time.

1.6 No barbwire fence shall be erected on any Lot.

1.7 No Lot or building thereon shall be used for any trade or business.

1.8 No farm animals, livestock or poultry shall be raised, bred or kept on any Lot. Dogs, cats, and other household pets may be kept on a Lot provided they are not kept or bred for commercial purposes and provided they do not become a nuisance to other Lot owners.

1.9 No sign or advertising matter of any kind except a sign offering a Lot for sale or depicting the owners name shall be placed on any Lot or improvement thereto.

1.10 No unlicensed or inoperable motor vehicle or any semi-trailer or farm equipment of any kind or unsightly material of any sort may be kept or stored on any Lot except within a garage or building thereon.

2. GENERAL

2.1 The recitals to this Agreement are incorporated herein and form a part hereof.

2.2 The Restrictive Covenants herein set forth shall be annexed to and run with the Lots and each of them as the dominant lands for the benefit of the owners thereof from time to time. The burden of the Restrictive Covenants herein set forth shall be annexed to and bind the Lots and each of them as the servient lands and bind every owner and subsequent owners thereof from time to time.
2.3 The owner(s) of any Lot may enforce the foregoing restrictive covenants against the owner(s) of any other Lot, other than the Developer.

2.4 The Developer shall not be liable to the owner(s) of any Lot or Lots or to their successors in title from time to time for the enforcement of any of the restrictive covenants contained herein or in the event that any or all of the foregoing restrictive covenants is or are judged to be unenforceable by a court of competent jurisdiction.

2.5 Notwithstanding anything to the contrary herein, the Developer shall have the power from time to time in its sole discretion to waive, release, amend or alter any of the foregoing restrictive covenants, provided such waiver, release, amendment or alteration, in the sole opinion of the Developer, will not significantly detract from the intent of this agreement or the general character of the Lots.

2.6 Whenever the singular number or neuter or masculine gender is used herein, the same shall be construed as including the plural and such other gender as the context requires.

IN WITNESS WHEREOF the Developer has executed this agreement this 21st day of August, 1998 at Edmonton, Alberta.

Witness

ELIZABETH MARY HEIGHINGTON

DOVER ACT
AFFIDAVIT

I, Elizabeth Mary Heighington, of the City of Edmonton, in the Province of Alberta, MAKE OATH AND SAY:

1. I am the Developer and Registered Owner of the Lands herein described.
2. I am not married.

SWORN BEFORE ME at the City of Edmonton, in the Province of Alberta this 21st day of August, 1998

ELIZABETH MARY HEIGHINGTON

A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA

DONALD H. HEIGHINGTON
BARRISTER & NOTARY
COMMISSIONER
May 29, 2019

Country of Wetaskiwin No. 10
Box 6960
Wetaskiwin, Alberta
T9A 2G5

Attention: Secretary of the Subdivision and Development Appeal Board

Dear Sirs:

Re: Development Permit No. D19/72 - Greystones on the Lake - Buck Lake, Alberta

The purpose of this letter is to object to the proposed development of a Bed and Breakfast at Greystones on the Lake located on Buck Lake. The applicant is Gordon Dolynchuk who currently has property on SE-35-46-6-W5 Lot 31, Plan 9922011. When originally purchased, this land was zoned as lakeshore residential. This parcel of land is located beside an emergency access road to the lake and must be kept clear at all times. The possibility of this road becoming congested due to patrons of the Bed and Breakfast is a concern for all residents of both Heighington Estates and Greystones Estates who are dependent on this roadway for emergency services such as fire.

The residence is composed of 9 or more bedrooms and would create an increase in traffic on existing roadways. Also a concern to be noted is the increase of persons using various vehicles such as ATV’s and overuse of the existing roadways which are not in adequate condition for the existing traffic currently. These subdivisions were not constructed for multi-family use at the time of zoning and were clearly allocated as single family dwellings.

The approval of the Bed and Breakfast could permanently change the numbers of foot traffic, create parking issues and potentially diminish the safety of the residents. Furthermore, this business could negatively impact the value of all the properties in the subdivision. Please note signatures below strongly support disapproval for the development of a Bed and Breakfast.

Yours truly,

Bonnie Jean Kerby,
Buck Lake Alberta

SIGNATURES
Brian Adele Stoves
Paul Robinson
Greg & Lesley Bondar
Perry Bondar
DGE Investment Ltd

Patti Estton
Lot 28 & Lot 27

J Douglas Macken
Lot 7 - Hargrilton Estates

Michael Scott
Lot 6 - Hargrilton Estates

Murray Schwab
Lot 3 Hargrilton Estates

Bryan, Phare # 5
Hargrilton Estates

Wayne Rodway

Dale Rodway

Bill Neff
Betty Jack Nesbitt

Bernie & Elaine Astorino

Louise Le Clercq

Darrell Le Clercq

Phil Le Clercq

Stanley Le Clercq

Sandra Le Clercq

Lot 81

6 - 475036 R94 61
5 - 465022 " 61
85 - 465022 " 61
94 - 465022 " 61
94 - 465022 " 61
5 - 465021 " 61
93 - 465021

Greystone Estates
Greystone Estates
Greystone Estates
Greystones
Greystone
Greystones

Lot 2, Greystones

Greystones
Greystones
Greystones

Greystones
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 D19/072 described as follows:

DOLYNCHUK, GORDON

Bed and Breakfast Business and Existing House with Attached Garage

SE-35-46-6-W5M Lot 31, Plan 9922011

PLACE OF HEARING: County 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: July 11, 2019

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 to be present and be heard at the hearing. Persons requesting to be heard at the meeting, but are unable to attend the meeting, shall submit written briefs to the Secretary of the Subdivision and Development Appeal Board no later than 5:00 p.m., Thursday, July 11, 2019.

Date: June 20, 2019

NOTE: This notice does not require your attendance; however, if you wish to speak at the hearing, this is your opportunity. Information pertaining to this hearing can be obtained by contacting the Planning and Economic Development Department at the County of Wetaskiwin Administration Office.
**OFFICIAL RECEIPT**

ROBINSON, PAUL  
BOX 560  
BUCK LAKE AB T0C 0T0

<table>
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<th>Account #</th>
<th>Description</th>
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<th>Payment</th>
<th>Amount Due</th>
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<td>1-1-526-6100-00</td>
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<td>150.00</td>
<td></td>
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</tbody>
</table>

**Payment Total:** 150.00

Interac Debit Card 150.00
NOTICE OF DECISION

May 4, 2005

Jerry Dolynchuk
9619-144 Ave
Edmonton, AB T4E 2H8

RE: Proposed Development: Single Family House with Attached Garage
Land Location: SE 35-46-6-W5M
Lot 31 Block Plan 992 2011
Tax Roll No.: 4552.07

This will acknowledge that your completed development permit application submitted to our office April 27, 2005, for the above described development has been APPROVED by the Development Officer subject to the following conditions:

1. Building not to encroach on Registered Rights of Ways or Utility Service Lines.
2. Location and use of proposed development shall be as specified by documents submitted by applicant.
3. The Developer shall obtain a building permit and any other permits or approvals required pursuant to the requirements of the Safety Codes Act, and shall have such permits in place prior to commencement of the work authorized under each permit. It shall be the responsibility of the Developer to provide the County with a copy of the Building Permit and plans PRIOR to the commencement of any development. A list of agencies authorized by Alberta Municipal Affairs to issue permits and conduct Inspections is attached.
4. The Developer is to have the sewage disposal system inspected by an accredited agency authorized to carry out plumbing inspections within the County of Wetaskiwin. If the system does not meet current standards the Developer must upgrade it. Evidence that this condition has been met must be provided to the County.

This is a permitted use as specified by Section 6.3(a & b) of Schedule B, Land Use By-law 95/54. Failure to comply with any of the above conditions will render this permit null and void.

The applicant is also advised of the following:

1. The development shall comply with all applicable Provincial and Federal Regulations.
2. A permit is issued in accordance with the notice of decision is valid for a period of one (1) year from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
3. This issuance of this development permit does not supersede or suggest violation of any caveat, easement, restrictive covenant or other encumbrance shown on the back of the Certificate of Title. It is the responsibility of the Applicant/owner to research the Certificate of Title for the existence of any encumbrance.
4. The applicant is advised that the development may be in a rural area in which may be subject to typical agricultural operation uses on adjacent or nearby lands including, but not limited to, confined feeding operations and manure storage facilities as defined under the Agricultural Operation Practices Act; and any nuisance that may arise from such uses.
5. Pursuant to the provisions of Section 685 (3) of the Municipal Government Act, no appeal lies respecting the issuance of this development permit for a permitted use, unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.

DATE OF DECISION: May 4, 2005

DAVID BLADES
Development Officer

cc Councillor Division 7
Assessment Department
COUNTY OF WETASKIWİN NO. 10
APPLICATION FOR DEVELOPMENT PERMIT

I hereby make application under the provisions of the Land Use Bylaw for a Development Permit, in accordance with the plans and supporting information submitted herewith and which form part of this application.

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: Jerry Dolynchuk

ADDRESS: 9109 - 144 Avenue Edmonton - T5E 2H8

TELEPHONE: (780) 818-7420 E-MAIL (optional): jerry@northlandbuildingsupplies.com

Present Registered Owner: (same as above/or) ____________________________

Address:_________________________________________________ Telephone:______________

Quarter SE Section 35 Township 46 Range 6 West of the 4th/5th Meridian

OR: Lot 31 Block __________________ Registered Plan 992 2011

NAME OF SUBDIVISION (if applicable): Graysone Subdivision

Present Use of Land in this Parcel (i.e. residential): residential

Proposed Use of Land in this Parcel: residential

Type of Development Proposed: single family home with attached garage

Existing Buildings (i.e. garage, etc.): portable 16x20 shed and 12x16 portable shed

Estimated cost of the project or contract price: $550,000.00

Estimated date of commencement: June 2005

Estimated date of completion: June 2006

Please complete applicable declarations on second page. Signature(s) required on third page.

Fax: 780-447-1227 when done.

Development Permit Application - Page 2 of 7

Page 69 of 81
DEVELOPMENT PERMIT APPLICATION

Attached is a Development Permit Application Form along with other documents which may be necessary when making application.

1. Please complete application form.

2. If there is an existing residence on the property, and you are applying for an additional residence, complete the appropriate Declaration, attached.

3. Please complete a detailed plot plan showing:
   a) Existing structures;
   b) Existing oil or gas wells and pipelines;
   c) Proposed structures;
   d) Distance from each property line to proposed structures;
   e) Distance from any proposed trees to roads or highways;
   f) Existing and proposed driveways and approaches to roads;
   g) Any other larger physical features (sloughs, lakes, railways, etc.);
   h) Direction of North on your site plan.

4. Fees for the Development Permit Application are to be paid when the application is returned to the County Office. Fees are as follows:

   Signs: $5.00  Commercial/Recreational: $100.00  Residential: $35.00  Industrial: $100.00

   PLEASE NOTE: ALL DEVELOPMENT PERMIT FEES ARE NON-REFUNDABLE

5. If your proposed development is adjacent to a highway, you are required to fill out an application with Alberta Transportation. Application forms are available at the County Office.

6. If you are moving on a house or a mobile home, pictures are required with the application form. If the house/mobile home is being moved from a property within the County of Wetaskiwin, please provide the legal land location.

7. Building permits, including disciplines (gas, plumbing, heating, etc.) are administered by Alberta Municipal Affairs, Safety Services. Alberta Municipal Affairs have compiled a list of accredited agencies, which is attached to this application. It is the responsibility of the applicant to obtain permits for building and all disciplines required.

DAVID BLADES, A. Sc.T., LGA
Development Officer
DECLARATIONS

SEWAGE DISPOSAL:
Is the property less than 20,000 ft²? (½ acre or less)  
If YES, advise where the sewage is to be disposed of:

[ ] Yes  [ ] No  

Signature of Landowner(s)

REGISTERED OWNER:
Is applicant registered owner?  
If NO, execute the following:

[ ] Yes  [ ] No  

I(We) as the registered owners of the aforementioned property, authorize to develop as stated on the application.

Signature of Landowner(s)

SECONDARY DWELLING:
Is this a secondary dwelling?  
If YES, execute the following:

[ ] Yes  [ ] No  

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

Signature of Landowner(s)

DEVELOPMENT NEAR CONFINED FEEDING OPERATION:
Is the proposed development with 800m (½ mile) of a confined feeding operation?  
If YES, execute the following:

[ ] Yes  [ ] No  

I choose to build here, knowing that I may suffer from smells, noises, flies, etc. from animals or Manure. However, I realize 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 close to a confined feeding operation.

Signature of Landowner(s)
OTHER INFORMATION REQUIRED:

Any Hobby, Sideline or Business proposed or existing: none

Location of Property if not in subdivision (i.e. 1/2 mile north of RR 280 on TR 483)

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.

April 18, 2005  
Date of Application  
Signature of Applicant

The personal information on this form is collected under the authority of Section 32 (c) of the Alberta Freedom Of Information And Protection Of Privacy Act and/or Section 642 of the Municipal Government Act and/or Section 39 of the Safety Codes 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.

April 18, 2005  
DATE  
SIGNATURE OF OWNER

Applicant's Checklist:
- Application Form Completed  
- Site Plan Completed  
- Reviewed Statutory Declarations  
- Submit Fees  
- Require Application from Alberta Transportation? N/A  
- Photos Required/Submitted? N/A

FOR OFFICE USE ONLY:

Receipt No.: 77617  
Div.: 7  
Per/Dis:  
Tax Roll No.: 4552.07  
Zoning: LR  
Section: 6.3 (a+b)

Development Permit Application – Page 4 of 7
July 24, 2009

Jerry Dolynchuk
14820-112 Ave
Edmonton AB T5M 2V2

Dear Mr. Dolynchuk:

RE: Proposed Development: Addition to House

Land Location: SE 35-46-06-WSM
Lot 31 Block Plan 992 2011
Tax Roll No.: 4552.07

This will acknowledge that your completed development permit application submitted to our office June 10, 2009 for the above described development has been APPROVED by the Development Officer subject to the following conditions:

1. Building not to encroach on Registered Rights of Ways or Utility Service Lines.
2. Location and use of proposed development shall be as specified by documents submitted by applicant.
3. The Developer shall obtain a building permit and any other permits or approvals required pursuant to the requirements of the Safety Codes Act, and shall have such permits in place prior to commencement of the work authorized under each permit. It shall be the responsibility of the Developer to provide the County with a copy of the Building Permit and plans PRIOR to the commencement of any development. A list of agencies authorized by Alberta Municipal Affairs to issue permits and conduct inspections is attached.
4. The Developer is to have the sewage disposal system inspected by an accredited agency authorized to carry out plumbing inspections within the County of Wetaskiwin. If the system does not meet current standards the Developer must upgrade it. Evidence that this condition has been met shall be provided to the County.

This is a permitted use as specified by Section 6.3(b) of Schedule B, Land Use By-law 95/54.

Failure to comply with any of the above conditions will render this permit null and void.

The applicant is also advised of the following:

1. The development shall comply with all applicable Provincial and Federal Regulations.
2. A permit is issued in accordance with the notice of decision is valid for a period of one (1) year from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.
3. This issuance of this development permit does not supersede or suggest violation of any caveat, easement, restrictive covenant or other encumbrance shown on the back of the Certificate of Title. It is the responsibility of the Applicant/owner to research the Certificate of Title for the existence of any encumbrance.
4. The applicant is advised that the development may be in a rural area in which may be subject to typical agricultural operation uses on adjacent or nearby lands including, but not limited to, confined feeding operations and manure storage facilities as defined under the Agricultural Operation Practices Act; and any nuisance that may arise from such uses.
5. Pursuant to the provisions of Section 685 (3) of the Municipal Government Act, no appeal lies respecting the issuance of this development permit for a permitted use, unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.
6. No physical excavation or construction may legally begin prior to the effective date (or such later date should an appeal be received). Any excavation or construction started prior to the effective date will be done at the sole risk and cost of the applicant.

DATE OF DECISION: July 24, 2009

Andre Legris
Development Officer
County of Wetaskiwin No. 10

cc Councillor Division 7
Assessment Department
COUNTY OF WETASKIWIN NO. 10
APPLICATION FOR DEVELOPMENT PERMIT

APPLICATION NO. 09/210

I hereby make application under the provisions of the Land Use Bylaw for a Development Permit, in accordance with the plans and supporting information submitted herewith and which form part of this application.

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: JERRY DOYUCHIK

ADDRESS: 14820 - 112 AVENUE EDMONTON AB T5M 2V2

TELEPHONE: (780) 447-1200 E-MAIL (optional): jerry@northbundhomehardware.com

Present Registered Owner: (same as above/or)
Address: ____________________________ Telephone: (780) 236-4601

Quarter S.E. Section 35 Township 46 Range 6 West of the 4th Meridian

OR: Lot 31 Block Registered Plan 992 2011

NAME OF SUBDIVISION (if applicable): ____________________________________________

Present Use of Land in this Parcel (i.e. residential): RESIDENTIAL

Proposed Use of Land in this Parcel: RESIDENTIAL

Type of Development Proposed: Addition to existing house

Existing Buildings (i.e. garage, etc.): house w/attached garage

Estimated cost of the project or contract price: $200,000

Estimated date of commencement: Started

Estimated date of completion: 2011

Please complete applicable declarations on second page.
Signature(s) required on third page.

FOR OFFICE USE ONLY:

Receipt No.: 12T684
Div.: 1
Per/Dis: 6295 P1

Tax Roll No.: 4552.07
Zoning: LK
Section: MANON 6.5(B)

Development Permit Application – Page 2 of 7
DECLARATIONS

SEWAGE DISPOSAL:
Is the property less than 20,000 ft²? (½ acre or less) [Yes] [No] [✓]
If YES, advise where the sewage is to be disposed of:

[Signature of Landowner(s)]

REGISTERED OWNER:
Is applicant registered owner? [Yes] [No] [✓]
If NO, execute the following:

I(We) as the registered owners of the
aforementioned property, authorize
the [Signature of Applicant]
application.

[Signature of Landowner(s)]

SECONDARY DWELLING:
Is this a secondary dwelling? [Yes] [No] [✓]
If YES, execute the following:

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

[Signature of Landowner(s)]

DEVELOPMENT NEAR CONFINED FEEDING OPERATION:
Is the proposed development with 800m (½ mile) of a confined feeding operation? [Yes] [No] [✓]
If YES, execute the following:

I choose to build here, knowing that I may suffer from smells, noises, flies, etc. from animals or Manure. However, I realize 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 close to a confined feeding operation.

[Signature of Landowner(s)]

Development Permit Application – Page 3 of 7
DECLARATIONS

SEWAGE DISPOSAL:
Is the property less than 20,000 ft²? (½ acre or less)  Yes □ No □ ✓
If YES, advise where the sewage is to be disposed of:

[Signature]
Signature of Landowner(s)

REGISTERED OWNER:
Is applicant registered owner?  Yes □ No □ ✓
If NO, execute the following:

[Signature]
Signature of Landowner(s)

SECONDARY DWELLING:
Is this a secondary dwelling?  Yes □ No □ ✓
If YES, execute the following:
I understand that if I build a second residence on my land on, the residence will not stand on a separate parcel. It will stand on the same parcel as the first house. As such, the two residences cannot be sold separately unless the parcel is subdivided and two separate lots are created. I further understand that I have no automatic right to have the land subdivided, and an application to subdivide may well be refused if it conflicts with the Regional Plan or any County By-Law.

[Signature]
Signature of Landowner(s)

DEVELOPMENT NEAR CONFINED FEEDING OPERATION:
Is the proposed development with 800m (½ mile) of a confined feeding operation?  Yes □ No □ ✓
If YES, execute the following:
I choose to build here, knowing that I may suffer from smells, noises, flies, etc. from animals or Manure. However, I realize 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 close to a confined feeding operation.

[Signature]
Signature of Landowner(s)
OTHER INFORMATION REQUIRED:

Any Hobby, Sideline or Business proposed or existing: N/A

Location of Property if not in subdivision (i.e. ½ mile north of RR 280 on TR 483)

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.

JUNE 17/09
Date of Application
Date

JUNE 17/09
SIGNATURE OF OWNER

The personal information on this form is collected under the authority of Section 32 (c) of the Alberta Freedom Of Information And Protection Of Privacy Act and/or Section 642 of the Municipal Government Act and/or Section 39 of the Safety Codes 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.

Applicant's Checklist:

- Application Form Completed
- Site Plan Completed
- Reviewed Statutory Declarations
- Submit Fees
- Require Application from Alberta Transportation? N/A
- Photos Required/Submitted? N/A
Date: June 13, 2005