

MINUTES OF THE MEETING OF THE PARKLAND COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD HELD IN THE COUNCIL CHAMBERS IN THE COUNTY OFFICE AT PARKLAND COUNTY, ALBERTA ON MONDAY, APRIL 14, 2008.

CALL TO ORDER

The Chairperson, B. Forbes, called the meeting to order at 4:06 p.m.

PRESENT

Members: K. Darby, B. Forbes, C. Goerz, T. Melnyk, J. Smith and S. Zelych
Administration: S. Fegyverneki, G. Horsfield and R. Sider
S. Cammidge (Recording Secretary)

ADOPTION OF AGENDA

Moved by C. Goerz that the Agenda of the meeting be adopted as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Moved by K. Darby that the minutes of the March 25, 2008 Subdivision and Development Appeal Board meeting be adopted as presented.

CARRIED UNANIMOUSLY

4:10 p.m. Appointment

An appeal of a decision of the Development Authority to conditionally approve Development Permit No. 08-D-027 to move on site a 1978 120.7 sq m (1300 sq ft) double wide mobile home on Lot 4, Block 1, Plan 7622277, Twin Ravines, N.W. 36-50-2-W5M, Municipal Address: #7, 50529 Range Road 21, Applicant: Enns Enterprises Inc., Appellant: Glenna Killick.

The Chairperson opened the Hearing at 4:29 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the acting Secretary of the Board taking part in any private or in-camera sessions with the Board.

It was noted that neither the appellant nor the applicant was present at the Hearing.

G. Horsfield provided the background of the subject file. The acting Secretary of the Subdivision and Development Appeal Board, S. Fegyverneki, read into the record the appeal letter dated March 20, 2008 submitted by the appellant.

The Board asked Administration whether a double wide mobile home is a permitted use in a multi-parcel subdivision. Administration advised that a double wide mobile home is classified as a single family dwelling according to the Parkland County Land Use Bylaw. Administration further advised that a previously owned double wide mobile home is a discretionary use in a multi-parcel subdivision whereas a brand new double wide mobile home is a permitted use in a multi-parcel subdivision as regulated in Section 42 of the County's Land Use Bylaw.

The Board noted from the appellant's appeal letter that several concerns were raised concerning the condition of the double wide mobile home and Administration indicated that it appears that most of the concerns relate to building code issues. Administration clarified that the applicant is required to apply for and obtain a Building Permit in accordance with the Alberta Building Code.

The Board further noted a reference to black mould in the appellant's appeal letter and asked Administration whether black mould is a concern. Administration responded that members of Administrative staff do not have expertise regarding black mould. The Board indicated that it would appear one of the concerns of the appellant and another adjacent landowner is the age of the double wide mobile home. Administration noted for the record that a letter was received from adjacent landowners objecting to the conditional approval of Development Permit No. 08-D-027 with concerns of devaluation of property values and of setting a precedent within the subdivision.

The Board asked whether the applicant submitted photographs of the double wide mobile home with the Development Permit application. Administration provided two photographs of the double wide mobile home and directed the Board members to the applicant's list of proposed renovations to the double wide mobile home. The Board asked whether it was Administration's suggestion that the exterior be of stucco material and Administration advised that a stucco exterior was proposed by the applicant. The Board also asked whether the foundation would have parging and Administration advised that the double wide home is proposed to be placed on a foundation of pilings with insulated skirting. The Board further asked whether the home would be on wheels and Administration advised that the home would not be on wheels but on foundation pilings.

The Board asked for clarification regarding Condition No. 5 of Development Permit No. 08-D-027. Administration advised that Condition No. 5 is a standard condition regarding the 120 day time period within which renovations are to be completed and further advised that Administration cannot extend the 120 day time period but that the applicant would have to go before Council to request an extension as per Council Policy.

With respect to Condition No. 3, the Board asked at what point is the applicant required to post security of \$10,000.00. Administration advised that security must be posted once the applicant applies for a Building Permit.

Submission of Adjacent Landowner – Mary Hartfelder

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

M. Hartfelder indicated that she and her spouse own two lots in the Twin Ravines subdivision. M. Hartfelder is concerned with devaluation of property values and indicated that a 30 year old mobile home is quite old. M. Hartfelder advised that she was informed that mobile homes were not permitted in the subdivision. The Board asked M. Hartfelder how she was informed of this and she indicated that information was provided by a real estate agent.

The Board asked M. Hartfelder whether the proposed upgrades to the double wide home are sufficient and she indicated that the upgrades are not sufficient.

The Board asked M. Hartfelder how long she and her spouse have owned their two lots and she indicated that they purchased the lots approximately 10 to 15 years ago. The Board asked whether there are any other double wide mobile homes in the subdivision. Administration advised that the assessment review did not single out double wide mobile homes as they are classified as single family dwellings but that the range of construction dates of homes in the subdivision is between 1950 and 2007. M. Hartfelder indicated that there is one other double wide mobile home in the subdivision but that it is a newer model (2000). The Board asked M. Hartfelder what her reaction was to the newer double wide mobile home and she indicated she did not have an objection.

The Chairperson thanked those in attendance and closed the Hearing at 4:50 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

A decision on this matter was deferred to later in the meeting.

4:40 p.m. Appointment

An appeal of a decision of the Development Authority to conditionally approve Development Permit No. 08-D-030 (i) to leave as sited a 9.29 sq m (100 sq ft) accessory building and (ii) proposed accessory building (173.9 sq m – 1872 sq ft) two storey garage prior to construction of principal residence on Lot 1, Block 3, Plan 6053HW, South Seba Beach, S.E. 5-53-5-W5M, Municipal Address: #22, 53004 Range Road 54A, Applicant: Carl Wurfel, Appellant: Cecil W.R. Blackburn.

The Chairperson opened the Hearing at 4:55 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the acting Secretary of the Board taking part in any private or in-camera sessions with the Board.

G. Horsfield provided the background of the subject file.

Submission of Appellant – Cecil W.R. Blackburn

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

C. Blackburn advised the Board that he wishes to withdraw his appeal of Development Permit No. 08-D-030. C. Blackburn advised that in an effort to protect his opportunity to object to the Development Permit and to have an opportunity to review the plans submitted by the applicant, he chose to appeal Development Permit No. 08-D-030. He further advised that he has reviewed the site plan and accessory building plans and believes the proposed accessory building is a "common structure" at the lake. C. Blackburn advised that he has consulted with his family and wishes to be a "good neighbour" and reiterated that he wishes to withdraw his appeal of Development Permit No. 08-D-030.

Submission of Curtis Ready

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

C. Ready indicated that he is one of the registered owners of the subject lands. He further indicated he believes the appellant's issues may stem from issues in the past but that he and his family wish to deal directly with the appellant.

C. Ready provided three photographs of similar accessory buildings (ie. garages) in the subdivision. C. Ready also provided two real estate listings in a neighbouring subdivision, Harbour Terrace – one vacant lot recently sold for \$345,000.00 and one lot with a two car garage recently sold for \$475,000.00. C. Ready indicated that the accessory building they are proposing to build will increase the value of the subject lands.

The Board asked C. Ready when he plans to build a home and whether the home would be attached to the accessory building. C. Ready indicated that the home will not be built for several years but that the accessory building will not be attached to the home.

The Board asked whether the upper space in the accessory building will be used for accommodation purposes and C. Ready advised that is not the intended use of the upper space. The Board further asked whether there will be a washroom in the accessory building and C. Ready advised that there will be a washroom in the accessory building. The Board asked whether the accessory building will be used as a cottage once a home is built and C. Ready indicated it would not be used as a cottage.

Summary of Appellant – Cecil W.R. Blackburn

The following is a summary of a submission to the Board.

C. Blackburn advised that is pleased that the accessory building is not intended to be used for living accommodations but noted the building is to have a deck, wash basin and toilet.

The Chairperson thanked those in attendance and closed the Hearing at 5:10 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

A decision on this matter was deferred to later in the meeting.

5:10 p.m. Appointment

An appeal of a decision of the Development Authority to refuse Development Permit No. 08-D-021 for proposed accessory building (198.9 sq m – 2142 sq ft storage building) which when combined with existing accessory buildings total 376.1 sq m – 4050 sq ft in combined floor area on Lot 5, Plan 1336TR, Wendel Heights, W. ½ 18-53-1-W5M, Municipal Address: #5, 53213 Range Road 20, Applicant: Dennis and Christine Jordan, Appellant: Dennis Jordan.

The Chairperson opened the Hearing at 5:18 p.m.

There was no objection to the Board members hearing this appeal and there was no objection to the acting Secretary of the Board taking part in any private or in-camera sessions with the Board.

G. Horsfield provided the background of the subject file.

Submission of Appellant – Dennis Jordan

The following is a summary of a submission to the Board which also reflects responses to questions from the Board.

D. Jordan advised the Board that he has five horses and requires the quonset (proposed accessory building) to properly store hay for his horses. D. Jordan advised that the existing accessory building on his lands is too small for this purpose. D. Jordan further advised that he intends to store a tractor and a trailer in the quonset. D. Jordan indicated that the quonset is not a permanent structure but can be moved.

The Board asked whether the quonset will have a foundation. D. Jordan advised that the quonset will have pillars drilled 12 feet into the ground with hooks; once the hooks are unscrewed, the canvas can be removed and the quonset disassembled.

The Board asked for clarification regarding the number of horses and D. Jordan advised the Board that he has five horses with three mares in foal.

The Board noted the proposed quonset seems to be extraordinarily large given the existing accessory building and the proposed use of the quonset. D. Jordan responded that while the quonset will look big from the outside it is actually "pretty small".

The Board asked D. Jordan whether he uses the existing accessory building for storage. D. Jordan advised that the previous owner of the property partitioned the interior portion of the building which limits the storage space. The Board asked what is presently stored in the existing building and D. Jordan advised that he presently stores hay, oats and tack and may house colts through the winter. The Board asked whether the quonset will be used as a barn and D. Jordan advised that it will be used as a barn and to store hay. The Board again asked what the existing building is presently used for and D. Jordan advised he stores tack and tools in the existing building. In response to a question from the Board, D. Jordan advised that if approval is received for the quonset, the existing building will be used to store hay and to house horses.

The Board noted D. Jordan indicated that he has five horses and asked whether three of the five horses are expecting. D. Jordan advised that was correct and indicated he will have to get rid of some of the horses as he would have more than the permitted number of animals. In response to a question from the Board, D. Jordan advised that the hay bales he has for the horses are small square bales.

The Board asked Administration for clarification as to why two Development Permit applications were included in the agenda package – one for an accessory building "for storage of business equipment and material for the operation of asphalt maintenance" and one for an accessory building "for storage of personal vehicles (1 ton truck, car)". Administration advised that both were included so that the signatures of both registered owners were on file.

D. Jordan advised that Administration would not accept a Home Based Business Level 2 Development Permit application due to the storage of pallets on his property. D. Jordan further advised that once the pallets are removed he will apply for a Development Permit for a Home Based Business Level 2 regarding his asphalt business. D. Jordan reiterated the purpose of the quonset is for the storage of hay. The Board noted the Hearing does not relate to a home based business but questioned whether the Development Permit application was originally for the asphalt business but was then revised for the storage of hay and horses. D. Jordan questioned whether it really mattered if the quonset was used for his business or for hay and horses.

Summary of Appellant – Dennis Jordan

The following is a summary of a submission to the Board.

D. Jordan did not have any further comments.

The Chairperson thanked those in attendance and closed the Hearing at 5:40 p.m. No objection was made by those persons present at the Hearing when asked whether the Hearing was conducted in fair manner.

G. Horsfield and R. Sider left the meeting at 5:40 p.m.

A decision on this matter was deferred to later in the meeting.

The Chairperson called a recess at this time (5:41 p.m.) and then reconvened the meeting at 5:50 p.m. with all previous members present.

An appeal of a decision of the Development Authority to refuse Development Permit No. 08-D-021 for proposed accessory building (198.9 sq m – 2142 sq ft storage building) which when combined with existing accessory buildings total 376.1 sq m – 4050 sq ft in combined floor area on Lot 5, Plan 1336TR, Wendel Heights, W. ½ 18-53-1-W5M, Municipal Address: #5, 53213 Range Road 20, Applicant: Dennis and Christine Jordan, Appellant: Dennis Jordan.

DECISION OF THE BOARD

BOARD'S FINDING OF RELEVANT FACTS:

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On March 10, 2008 the Development Authority **refused** Development Permit No. 08-D-021 for proposed accessory building (198.9 sq m – 2142 sq ft storage building) which when combined with existing accessory buildings total 376.1 sq

m – 4050 sq ft in combined floor area on Lot 5, Plan 1336TR, Wendel Heights, W. ½ 18-53-1-W5M, Municipal Address: #5, 53213 Range Road 20 for the following reason:

1. As there is an existing 1018 ft² detached shop and an 890 ft² attached garage, the Development Authority could not find any extenuating circumstances brought forward by the applicant as to why the applicant requires the additional proposed 2142 ft² accessory building.
2. On March 25, 2008 an appeal of that decision was received from the applicant, Dennis Jordan.
3. On March 25, 2008 notification of the Hearing was sent to the applicant, appellant and adjacent landowners.
4. On March 28, 2008 notification of the Hearing was advertised in the local newspaper.
5. The applicant/appellant, Dennis Jordan, was present at the Hearing and made a submission to the Board.
6. The Board noted there is an existing 1018 ft² detached shop as well as an existing 890 ft² attached garage on the subject lands which totals 1908 ft² of accessory building space.

Legislation

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 23.

Reasons

The Board received evidence on a number of issues and will address these issues in the reasons which follow:

The Board denies the appeal for the following reasons:

1. The Board is of the opinion that the appellant did not substantiate whether the proposed accessory building was intended for personal use or for business use.
2. The Board is of the opinion that the appellant did not present any extenuating circumstances to substantiate the need or requirement for the additional proposed 2142 ft² accessory building given the existing accessory buildings on the subject lands.

Motion:

Moved by K. Darby that the Subdivision and Development Appeal Board deny the appeal and uphold the decision of the Development Authority regarding the refusal of Development Permit No. 08-D-021 for proposed accessory building (198.9 sq m – 2142 sq ft storage building) which when combined with existing accessory buildings total 376.1 sq m – 4050 sq ft in combined floor area on Lot 5, Plan 1336TR, Wendel Heights, W. ½ 18-53-1-W5M.

**VOTES FOR: 5 / VOTES AGAINST: 1
CARRIED**

An appeal of a decision of the Development Authority to conditionally approve Development Permit No. 08-D-030 (i) to leave as sited a 9.29 sq m (100 sq ft) accessory building and (ii) proposed accessory building (173.9 sq m – 1872 sq ft) two storey garage prior to construction of principal residence on Lot 1, Block 3, Plan 6053HW, South Seba Beach, S.E. 5-53-5-W5M, Municipal Address: #22, 53004 Range Road 54A, Applicant: Carl Wurfel, Appellant: Cecil W.R. Blackburn.

DECISION OF THE BOARD

BOARD'S FINDING OF RELEVANT FACTS:

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On March 3, 2008 the Development Authority **conditionally approved** Development Permit No. 08-D-030 (i) to leave as sited a 9.29 sq m (100 sq ft) accessory building and (ii) proposed accessory building (173.9 sq m – 1872 sq ft) two storey garage prior to construction of principal residence on Lot 1, Block

3, Plan 6053HW, South Seba Beach, S.E. 5-53-5-W5M, Municipal Address: #22, 53004 Range Road 54A.

2. On March 20, 2008 an appeal of that decision was received from an adjacent landowner, Cecil W.R. Blackburn.
3. On March 25, 2008 notification of the Hearing was sent to the applicant, appellant and adjacent landowners.
4. On March 28, 2008 notification of the Hearing was advertised in the local newspaper.
5. The appellant, Cecil W.R. Blackburn, was present at the Hearing and made a submission to the Board.
6. One of the registered owners of the subject lands, Curtis Ready, was present at the Hearing and made a submission to the Board.
7. The appellant advised the Board that he does not have any objection to the proposed accessory building and wished to withdraw his appeal of Development Permit No. 08-D-030.

Legislation

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Section 23.

Motion:

Moved by J. Smith that the Subdivision and Development Appeal Board accept the appellant's withdrawal of the appeal of a decision of the Development Authority to conditionally approve Development Permit No. 08-D-030 (i) to leave as sited a 9.29 sq m (100 sq ft) accessory building and (ii) proposed accessory building (173.9 sq m – 1872 sq ft) two storey garage prior to construction of principal residence on Lot 1, Block 3, Plan 6053HW, South Seba Beach, S.E. 5-53-5-W5M.

CARRIED UNANIMOUSLY

An appeal of a decision of the Development Authority to conditionally approve Development Permit No. 08-D-027 to move on site a 1978 120.7 sq m (1300 sq ft) double wide mobile home on Lot 4, Block 1, Plan 7622277, Twin Ravines, N.W. 36-50-2-W5M, Municipal Address: #7, 50529 Range Road 21, Applicant: Enns Enterprises Inc., Appellant: Glenna Killick.

DECISION OF THE BOARD

BOARD'S FINDING OF RELEVANT FACTS:

Based on the relevant information submitted to the Board, the Board finds the following facts:

1. On March 10, 2008 the Development Authority **conditionally approved** Development Permit No. 08-D-027 to move on site a 1978 120.7 sq m (1300 sq ft) double wide mobile home on Lot 4, Block 1, Plan 7622277, Twin Ravines, N.W. 36-50-2-W5M, Municipal Address: #7, 50529 Range Road 21.
2. On March 20, 2008 an appeal of that decision was received from an adjacent landowner, Glenna Killick.
3. On March 25, 2008 notification of the Hearing was sent to the applicant, appellant and adjacent landowners.
4. On March 28, 2008 notification of the Hearing was advertised in the local newspaper.
5. On April 8, 2008 a letter was received from adjacent landowners, Lyle and Jan Goodrich, objecting to the conditional approval of Development Permit No. 08-D-027.
6. The appellant, Glenna Killick, was not present at the Hearing but did make a written submission to the Board through her March 20, 2008 letter stating her objection and concerns to the Board.

7. The applicant, Enns Enterprises Inc., was not present at the Hearing nor was any information submitted in addition to the original Development Permit application materials.
8. An adjacent landowner, Mary Hartfelder, was present at the Hearing and made a submission to the Board.
9. The Board noted that a double wide mobile home is defined as a "single detached dwelling" in the Parkland County Land Use Bylaw.
10. The Board further noted that the relocation of a double wide mobile home is defined as a "discretionary use" in the Parkland County Land Use Bylaw.

Legislation

The Board finds the following legislation relevant:

1. Parkland County Land Use Bylaw No. 15-00, Sections 7 and 42.

Reasons

The Board received evidence on a number of issues and will address these issues in the reasons which follow:

The Board upholds the appeal for the following reasons:

1. In accordance with Section 42(1) and 74(3) of Land Use Bylaw No. 15-00, a previously owned 1978 double wide mobile home to be relocated onto an existing residential use parcel shall be treated as a discretionary use.
2. The appellant indicated a number of concerns regarding the architectural appearance of a 1978 double wide mobile home even though the Development Authority had conditioned a number of required architectural upgrades.
3. The Board noted that the appellant received one letter of support from an adjacent landowner.
4. In the opinion of the majority of the Board, the applicant did not submit through the Development Permit application, nor did the applicant attend the Hearing or submit additional information at the Hearing, to sufficiently demonstrate architectural upgrades to the double wide mobile home which would make the structure visually compatible with the existing subdivision and neighbourhood in general.
5. In the opinion of the majority of the Board, the 1978 double wide mobile home is not visually compatible and does not harmonize with the existing character of the subdivision and neighbourhood in general, which contains mostly single family dwellings as regulated in Section 42(2) of Land Use Bylaw No. 15-00.

Motion:

Moved by K. Darby that the Subdivision and Development Appeal Board uphold the appeal and rescind the decision of the Development Authority. Therefore, Development Permit No. 08-D-027 to move on site a 1978 120.7 sq m (1300 sq ft) double wide mobile home on Lot 4, Block 1, Plan 7622277, Twin Ravines, N.W. 36-50-2-W5M is refused for the following reasons:

1. In accordance with Section 42(1) and 74(3) of Land Use Bylaw No. 15-00, a previously owned 1978 double wide mobile home to be relocated onto an existing residential use parcel shall be treated as a discretionary use.
2. In the opinion of the majority of the Board, the 1978 double wide mobile home is not visually compatible and does not harmonize with the existing character of the subdivision and neighbourhood in general, which contains mostly single family dwellings as regulated in Section 42(2) of Land Use Bylaw No. 15-00.

CARRIED UNANIMOUSLY

ADJOURNMENT

Moved by B. Forbes that the meeting be adjourned at 6:30 p.m.

CARRIED UNANIMOUSLY

CHAIRPERSON