

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
PARKLAND COUNTY**

Legislative Services, Parkland County Centre  
53109A HWY 779  
Parkland County, AB T7Z 1R1  
Telephone: (780) 968-8471  
Email: [SDAB@parklandcounty.com](mailto:SDAB@parklandcounty.com)

HEARING DATE: March 22, 2021  
FILE NO.: 21-D-040

**Notice of Decision of Subdivision and Development Appeal Board**

**INTRODUCTION**

[1] The Development Authority of Parkland County (the "Development Authority") refused a development permit 21-D-040 for an addition to an existing house with a dwelling's side yard setback varied from 23.0 m to 2.19 m (Dwelling, Single Detached), located at Lot 1, Block 1, Plan 1622032, Morningside Properties, legally described as NE-16-53-26-W4M, and municipally described as 2-53220 Range Road 263 (the "Lands").

[2] On February 23, 2021, Dave Hatton appealed the refusal.

[3] The Subdivision and Development Appeal Board (the "Board") heard the appeal on March 22, 2021 via videoconference in accordance with Meeting Procedures (COVID-19 Suppression) Regulation, AR 50/2020.

**PRELIMINARY MATTERS**

**A. Board Members**

[4] At the outset of the appeal hearing on March 22, 2021, the Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. None of the persons in attendance had any objection to the members of the Board hearing the appeal.

**B. Exhibits**

[5] At the beginning of the hearing, the Chair confirmed that everyone in attendance had the hearing package. The Board marked the exhibits as set out at the end of this decision.

**C. Miscellaneous**

[6] The appeal was filed in time, in accordance with section 686 of the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA").

[7] The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections to the proposed hearing process.

[8] There were no other preliminary matters raised at the beginning of the hearing.

## **DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

[9] The Board denies the appeal and upholds the Development Authority's decision to refuse development permit 21-D-040.

## **SUMMARY OF HEARING**

[10] The following is a brief summary of the oral and written evidence submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written submissions and materials filed in advance of the hearing.

### **Development Authority**

[11] The Lands are located at 2-53220 Range Road 263, legally described as Plan 1622032, Block 1, Lot 1 within NE-16-53-26-W4M. The Lands are located within Morningside Properties, and adjacent to the municipal road right-of-way of Range Road 263.

[12] The Lands are within the Country Residential Area as identified in the Municipal Development Plan Bylaw No. 2017-14 (the "MDP") Development Concept at section 7.1.1.

[13] The Lands are subject to the Big Lake Area Structure Plan ("ASP").

[14] The Lands are an Environmentally Significant Area as defined in the Environment Conservation Master Plan.

[15] The Lands are located within the CR – Country Residential District set out in section 5.3 of County's Land Use Bylaw 2017-18 (the "LUB").

[16] The Development Authority reviewed the application and deemed it complete on February 9, 2021. The application was to expand the existing dwelling on the Lands ("Existing Dwelling") with a two-story addition, and to vary the Existing Dwelling's side yard setback from 23.0 m to 2.19 m (the "Proposed Development"). The Development Authority issued a refusal on the basis that the Proposed Development did not comply with the LUB.

[17] Dwelling, Single Detached is defined in section 20.3 of the LUB:

*DWELLING, SINGLE DETACHED means a Development consisting of a residential Building containing one Dwelling with or without an attached garage and/or attached carport and is separated from any other Dwelling. Modular Homes, Double wide Manufactured homes and a dwelling constructed onsite are all considered Single Detached Dwellings. Where a Secondary Suite is a Permitted or Discretionary Use within a District, a Dwelling, Single Detached may also contain a Secondary Suite.*

[18] The Development Authority determined that the Proposed Development met the listed definition of Dwelling, Single Detached in the LUB.

[19] The Development Authority also confirmed that the Dwelling, Single Detached with a setback variance is a Discretionary Use on the Lands as outlined in section 5.3 of the LUB in the CR-Country Residential District, and in section 642 of the MGA.

[20] Section 5.3.4(a)(ii) of the LUB requires that a Dwelling, Single Detached has a minimum setback of 23.0 m from the property line of an adjacent municipal road right-of-way. The Development Authority determined that the Existing Dwelling is located 2.19 m from the property line adjacent to Range Road 263. The Development Authority found that the Existing Dwelling does not conform to section 5.3.4(a)(ii) of the LUB, and so it is a non-conforming building.

[21] Section 16.10.5(c) of the LUB provides that a non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

...

*in those instances where the Development Authority deems a minor variance to enlarge, add to, rebuild or structurally alter the building is warranted and compatible with adjacent land uses.*

[22] The Development Authority determined that the variance applied for is not a minor variance, and the Proposed Development it is not compatible with the municipal road right-of-way.

[23] In relation to the question of the minor variance, the Development Authority indicated that it does not consider reducing a side yard setback from 23.0 m to 2.19 m to be a minor variance. In order to grant the variance and allow a 2.19 m side yard setback, such a variance requires the Development Authority to decrease the setback by 20.8 m. The Development Authority calculated this decrease as a 90% reduction in the minimum setback. The Development Authority determined that not only is the value of the change of the minimum setback not minor, but varying the setback for the purposes of a two-storey addition is also not minor.

[24] In relation to the Proposed Development's compatibility with adjacent land uses, specifically the municipal road right-of-way, the Development Authority confirmed that the Lands are adjacent to Range Road 263, and Range Road 263 is a municipal road right-of-way. The Development Authority deemed that the Proposed Development was not compatible because of the close proximity of the Existing Dwelling to the municipal road right-of-way.

[25] When considering the issue of compatibility, the Development Authority considered the impact on the municipal road right-of-way if the non-conforming building was enlarged or added to. The Development Authority stated that the current right-of-way for Range Road 263 is 25.0 m wide. If that right-of-way is extended to 30.0 m wide as allowed under section 9.2.4(d) of the MDP to allow for engineering design standards, the Proposed Development would be located within the expanded 5.0 m strip.

[26] The Development Authority also considered the intention of the setback. The Development Authority determined that the size of the setback is to ensure distance from the noise, dust and light produced by the public use of that roadway. The Development Authority concluded that the Proposed Development would be impacted by the noise, dust and light because of its close proximity to the roadway.

[27] The Applicant submitted the following documents to the Development Authority in support of his development application:

1. Site Plan;
2. Floor Plan; and
3. Elevation Drawings.

[28] The Development Authority concluded that the Proposed Development on the Lands does not meet the regulations under the LUB and MDP, and therefore the Board should uphold the refusal and dismiss the appeal.

[29] In response to Board questions, the Development Authority advised:

- a. The quantity of the change in the value of the variance informs whether a variance is minor. In order to determine whether a variance is minor, the Development Authority considers the value of the change relative to the starting number. For the Development Authority to consider the change minor, the change in value will be between 10% and 15%. The value of the variance required for the Proposed Development is significantly higher than that of a 10% to 15% range.
- b. The variance in question is the variance required from the Existing Dwelling to the property line as well as the variance from the Proposed Development as a whole to the property line.
- c. Each concern in a development application is considered independently; it is standard practice for the Development Authority to address each issue separately as it applies to the LUB. While the issues posed by the Proposed Development may be correlated, each issue is reviewed independently from the next. For example, whether the variance requested is a minor variance is an issue considered separately from whether the Proposed Development is compatible with adjacent land uses. After the issues of variance and compatibility were considered on their own, these issues were reviewed as a whole. In this case, the Development Authority found that the Proposed Development failed to meet the required thresholds after reviewing the issues both separately and together.
- d. Its primary considerations were whether the variance is minor and whether the Proposed Development is compatible with adjacent lands uses. These two characteristics supersede the issue of whether the variance for the Proposed Development is "warranted". Because the Proposed Development failed to meet the threshold on two counts, the Development Authority did not consider whether the variance was "warranted" in this case.

- e. Multiple development permits were issued for the Lands by the Development Authority from 2016 through to 2019. Three of those development permits have expired, and one was issued in error. The Development Authority also advised that two other developments were constructed on the Lands and on completion, deemed them compliant with the granted permits. The Development Authority considered the Proposed Development on its own merits, and noted that the prior permits granted by the Development Authority were not part of the current review process.
- f. The Development Authority considered the potential for road widening for Range Road 263 when reviewing the Proposed Development.
- g. Upon purchasing the Lands, the Applicant's real estate agent should have advised him that the Existing Dwelling is a non-conforming building. Alternatively, a compliance report for the Lands would have identified any non-conforming buildings. Also, while the LUB is a large document, it provides the necessary guidelines for any buyer to understand the requirements and regulations governing the property when making a purchase, and it is up to the buyer to conduct the appropriate due diligence.
- h. Section 16.10 of the LUB is the main provision that the Development Authority considers when reviewing non-conforming buildings. If an exception is met under section 16.10, then the Development Authority will move on to consider section 16.11 of the LUB as authority for its variance powers.

### **Appellant/Applicant – Dave Hatton**

[30] Mr. Hatton provided photographs of the Lands as his materials to the Board. He also provided oral submissions to the Board as outlined below.

[31] Mr. Hatton stated that he has owned the Lands since 2016. He emphasized that the Proposed Development is a *small* addition onto the back of the Existing Dwelling.

[32] Mr. Hatton explained that the Proposed Development is meant to provide the Existing Dwelling with more space including a second living room to watch television and unwind. Mr. Hatton intended for the Proposed Development to be a place of peace and quiet, and to act as a reprieve from the noise, dust and light coming from Range Road 263. He referred to the photographs at Exhibit 5, beginning on page 58, that illustrate how the Proposed Development would be situated against the Existing Dwelling, as well as where the Existing Dwelling is in proximity to Range Road 263.

[33] Mr. Hatton expressed that he is disheartened that the Development Authority might "squash" his Proposed Development. He also expressed his frustration that the Development Authority refused the development application, and suggested that the Development Authority based its decision on a hypothetical four-lane highway to be developed sometime in the future in place of Range Road 263 that inevitably would stop at a dead end.

[34] Mr. Hatton explained that he has carried out minor improvements on the Existing Dwelling since purchasing the Lands including removing the previous siding. He noted that he has carried out other aesthetic updates but did not go into further detail.

[35] In conclusion, Mr. Hatton suggested to the Board that he regrets not applying for the Proposed Development sooner, as the timing of his application may have achieved a different result since he has received successful permits in the past from the Development Authority. Mr. Hatton expressed his frustration at the complicated nature of the process for the Proposed Development and indicated that the terminology and measurements were difficult to understand. Mr. Hatton expressed his confusion over how the Proposed Development would impact his neighbours when his house is the smallest in the area. As a final note, Mr. Hatton emphasized to the Board that those impacted will be only the "Canada Geese" as they are the only ones with a view of the Proposed Development.

[36] In response to Board questions, Mr. Hatton advised:

- a. There are other developments in the area, which are to the south of the Lands.
- b. He confirmed that he purchased the Lands in 2016, and at that time he did not know that the Existing Dwelling is a non-conforming building.
- c. Within 6 months of purchasing the Lands, Mr. Hatton applied for multiple permits. One permit was to move the Existing Dwelling's physical structure to a different location on the Lands, and that permit was approved by the Development Authority. However, when Mr. Hatton received the pricing to remove the basement of the Existing Dwelling, as well as re-attach the water and power to the moved structure, it was a large expense so he suspended the project. Mr. Hatton also applied for a permit to build a new dwelling on the Lands, and a further permit to abandon the Existing Dwelling. He noted that despite being in contact with the Development Authority and it approving multiple permits for the Lands, it did not inform him that the Existing Dwelling is a non-conforming building.
- d. The County has approved a mud room as well as a breezeway for the Existing Dwelling, and both structures are complete. Mr. Hatton questioned how the Development Authority can approve those permits but refuse the Proposed Development. He noted that there is a marginal difference between the approved mud room and breezeway and the Proposed Development. For example, the breezeway is 10 m by 10 m in size and the Proposed Development is 12 m by 16 m in size.

## **FINDINGS OF FACT**

[37] The Lands are located at 2-53220 Range Road 263 and legally described as Lot 1, Block 1, Plan 1622032, Morningside Properties, NE-16-53-26-W4M.

[38] The Lands are located within the CR-Country Residential District of the LUB.

[39] The Proposed Development Use Class is a Dwelling, Single Detached.

[40] The use of the Proposed Development is a Discretionary Use due to the setback variance.

[41] The Existing Dwelling is 2.19 m from the property line adjacent to Range Road 263.

[42] The Existing Dwelling is a lawful non-conforming building.

[43] Mr. Hatton is an affected person.

## REASONS

### Jurisdiction

[44] The Board notes that its jurisdiction is found in section 687(3) of the MGA. In making this decision, the Board has examined the provisions of the LUB and has considered the oral and written submissions made by and on behalf of the Development Authority and oral submissions made by the Appellant/Applicant.

*687(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 (a.4) and (d), must comply with any land use bylaw in effect;*

*(a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*

*(b) must have regard to but is not bound by the subdivision and development regulations;*

*(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*

*(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,*

*(i) the proposed development would not*

*(A) unduly interfere with the amenities of the neighbourhood, or*

*(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*

*and*

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

## **Affected Persons**

[45] The first question the Board must determine is whether those appearing and speaking before the Board are affected persons. As Mr. Hatton is the person whose development permit is under appeal, the Board finds that Mr. Hatton is affected by this appeal.

## **Use**

[46] The Board considered the use of the Proposed Development. Mr. Hatton has applied for a development permit for an addition to an existing house that requires a variance from the minimum setback.

[47] The Board notes that the Development Authority considered the application to include the Proposed Development and Existing Dwelling on the Lands. Based on the definition of Dwelling, Single Detached in section 20.3 of the LUB, the Development Authority's evidence is that the Use Class applied for is a Dwelling, Single Detached:

*DWELLING, SINGLE DETACHED means a Development consisting of a residential Building containing one Dwelling with or without an attached garage and/or attached carport and is separated from any other Dwelling. Modular Homes, Double wide Manufactured homes and a dwelling constructed onsite are all considered Single Detached Dwellings. Where a Secondary Suite is a Permitted or Discretionary Use within a District, a Dwelling, Single Detached may also contain a Secondary Suite.*

[48] The Development Authority also stated that a Dwelling, Single Detached with a side yard setback variance is a Discretionary Use on the Lands as outlined in section 5.3 of the LUB in the CR-Country Residential District, and section 642 of the MGA.

[49] Mr. Hatton stated that the Proposed Development is intended to extend the use of the Existing Dwelling for such purposes as an additional living room.

[50] The Board finds as a fact that the Proposed Development is a Dwelling, Single Detached based on Mr. Hatton's description of the Proposed Development and in considering the definition of Dwelling, Single Detached under the LUB, as well as the evidence provided in the exhibits showing the scope of the Proposed Development.

[51] Based upon the provisions of the LUB, the Board also finds that the Proposed Development is a Discretionary Use on the Lands as under the LUB.

## **Type of Use – Lawful Non-Conforming Building**

[52] Under section 5.3.4(a)(ii) of the LUB, a Dwelling, Single Detached requires a minimum setback of 23.0 m from the property line of an adjacent municipal road right-of-way.

[53] The uncontroverted evidence provided by the Development Authority is that the Existing Dwelling is set back 2.19 m from the property line that is adjacent to Range Road 263. Because the Existing Dwelling does not conform to the minimum required setback, the Development Authority concluded that it is a non-conforming building. Although not specified

by the Development Authority, the Board understands the Development Authority's evidence to mean that the non-conforming building was a lawful non-conforming building, since there was no indication that the Existing Dwelling was constructed without appropriate approvals.

[54] Mr. Hatton submitted to the Development Authority the site plan of the Lands, which is found at Exhibit 4, page 24. The site plan confirms that the Existing Dwelling is 2.19 m from the property line adjacent to Range Road 263.

[55] From the evidence before it, the Board finds that the Existing Dwelling is in fact 2.19 m from the property line that runs along Range Road 263, and therefore the Existing Dwelling is a lawful non-conforming building.

### **Issues to be decided**

[56] The Board recognizes that under section 687(3) of the MGA, the Board must determine the Proposed Development's compliance with the applicable statutory plans and the LUB.

[57] Under section 643(5) of the MGA, a lawful non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

*[...] in accordance with a land use bylaw that provides minor variance powers to the Development Authority for the purposes of this section.*

[58] Section 16.10.5(c) of the LUB provides powers to the Development Authority to allow a development that enlarges, adds to, rebuilds, or structural alters a lawful non-conforming building if it deems a minor variance to that development is warranted and compatible with adjacent land uses.

[59] The critical question before the Board in this appeal is whether the Proposed Development meets one of three exceptions to the rule in the LUB that otherwise prohibits an enlargement or addition to a lawful non-conforming building.

[60] In order to answer the question, the Board must first consider if the variance to enlarge or add to the Existing Dwelling is minor. If the Board finds that it is a minor variance, the Board must then determine if that minor variance is warranted. The Board must also consider whether the Proposed Development is compatible with adjacent land uses in the area.

[61] If the Board determines that the variance is not a minor variance that is warranted or compatible with adjacent land uses, the Board must uphold the Development Authority's decision and refuse the appeal.

### ***Is the Variance Minor?***

[62] The Development Authority stated that it does not consider the variance required by the Existing Dwelling, and by the Proposed Development as a whole, to be minor. The Board considered the Development Authority's evidence that due to the requirements in the LUB for a 23.0 m side yard setback, the Proposed Development requires a side yard setback variance from 23.0 m to 2.19 m, which is a 90% variance. The Board further considered that the

Development Authority's threshold for a minor variance is between 10% and 15%. The Board also considered the Development Authority's evidence that varying the setback for the purposes of a two-storey addition is not minor.

[63] Mr. Hatton addressed the Development Authority's evidence and questioned why the Development Authority would not consider the variance minor when it has in the past allowed multiple developments that were comparable in size to the Proposed Development.

[64] The Board acknowledged Mr. Hatton's point regarding previous developments on the Lands; however, the Board accepts the Development Authority's submission that each development application is reviewed on its own merits, independent from other development applications. The Board cannot consider previous development permits. The only development relevant to this appeal is the Proposed Development.

[65] The Board concludes that the variance at issue in this appeal is not minor. The Board considered the plain meaning of the term "minor", and reviewed the evidence as to what the parties understood a minor variance to be. The Board notes that a reduction of 20.8 m is a 90% change in the value of the minimum setback, and that change is significant when compared to a 10% or even 15% change. The Board finds that the requested variance is a substantial adjustment from the legislated minimum, and therefore it is not minor.

### ***Is the Variance Warranted?***

[66] The Board accepts the Development Authority's explanation that because the Development Authority found the variance was not minor, it did not consider if the variance was warranted.

[67] Having found that the required variance for the Existing Dwelling on the Lands is more than a minor variance, the Board need not go further regarding whether the variance is warranted. However, for completeness, the Board provides below its assessment of whether the variance to the Existing Dwelling is warranted.

[68] The Board reviewed Mr. Hatton's evidence that he requires the variance in order to move ahead with the Proposed Development and that the Proposed Development will provide a reprieve from the noise, dust, and light generated from Range Road 263. As for the variance itself, the Board acknowledges that neither party provided submissions or evidence to justify the variance applied for. The Board concludes that Mr. Hatton's evidence demonstrates the Proposed Development is a preference rather than a necessity, and therefore the Board is not persuaded that granting such a variance to allow the Proposed Development is warranted.

### ***Is the Proposed Development Compatible with Adjacent Land Uses?***

[69] The Board found above that the Lands are adjacent to the municipal road right-of-way along Range Road 263 and the Existing Dwelling is setback from the property line 2.19 m. The Board considered whether the location of the Proposed Development is compatible with the adjacent municipal road right-of-way.

[70] The evidence before the Board from the Development Authority is twofold. First, the purpose for the 23.0 m setback from the municipal road right-of-way is to provide a buffer from noise, dust, and light produced by the public use of the municipal road. Second, the road right-of-way may be expanded in the future to be 30.0 m wide as required by section 9.2.4 (d) of the MDP for the purposes of engineering design standards.

[71] The Board considered Mr. Hatton's evidence that Range Road 263 comes to a dead end just after the Lands. Nevertheless, Mr. Hatton confirmed to the Board that despite the dead end, noise, dust and light from the road do impact the Existing Dwelling and that impact is a motivating factor for why Mr. Hatton has applied for the Proposed Development.

[72] The Board notes Mr. Hatton's remark regarding a plan to construct a four-lane highway to a dead end. The Board takes Mr. Hatton's remark as meaning that it is far-fetched for the Development Authority to suggest the impending widening of Range Road 263. The Board reviewed the Development Authority's materials and finds that roadworks have already taken place on a portion of Range Road 263 to widen the road, and while it may not be widened to the size of a highway as described by Mr. Hatton, the Board finds that evidence of past roadworks on Range Road 263 is indicative of future roadworks to complete the widening of Range Road 263.

[73] The Board finds that the Existing Dwelling, which is setback by 2.19 m from the property line, is impacted by the lack of buffer between the Existing Dwelling and the municipal road through noise, dust, and light created by the public's road use. The Board finds that the Proposed Development will be impacted in the same, or similar, way given that the location of the Existing Dwelling's closest point to the municipal road right-of-way will not change with the Proposed Development.

[74] The Board also finds that in the likely event that Range Road 263 is expanded, the Existing Dwelling would fall within the portion of the expanded right-of-way and potentially the road itself. Given the information before it, the Board is of the view that if the roadway was expanded, the Existing Dwelling may have to be physically moved or demolished given its proximity. The Board concludes that the current and future occupants of the Existing Dwelling will be impacted if the municipal road right-of-way is expanded and the road itself is widened. In the Board's view, the Proposed Development is not compatible with the adjacent land use.

### **Statutory Plan**

[75] Given the Board's findings above that the Proposed Development does not meet the exception provided for in section 16.10(5)(c) of the LUB, it is not necessary for the Board to consider the Proposed Development's compliance with the statutory plans. However, for completeness the Board has considered the two statutory plans: the MDP and the Big Lake ASP.

[76] The evidence indicates the Proposed Development complied with the provisions of the County's MDP. The Board considered the Big Lake ASP and finds that the Lands are subject to that ASP. The Board considered the development objective under section 4.1 of the ASP:

*To respond to the existing future plans for road way interchanges and additional frontage roads in the area and develop and [sic] efficient road network for the area.*

[77] The Board considered its obligation under section 687(3)(a.2) of the MGA, that when determining an appeal its decision must comply with the applicable statutory plans.

[78] The Board considered the Development Authority's evidence that there are future plans to widen the roadway of Range Road 263 in order to meet engineering design standards. The Board acknowledges that the Development Authority's statement regarding future plans for the roadway agrees with the above noted development objective under section 4.1 of the ASP.

[79] If the Board were to allow the Proposed Development and grant the side yard setback variance to 2.19 m, the Proposed Development would not comply with the existing future plans for the roadway. Therefore, the Board finds that the Proposed Development is contrary to the development objective under section 4.1 of the ASP. Due to section 687(3)(a.2) of the MGA, even had the Board found that the Proposed Development met the exceptions in section 16.10.5(c), the Board would have denied the Proposed Development because the Proposed Development is contrary to the ASP.

## **CONCLUSION**

[80] In considering all the evidence before it in its totality, the Board finds that the Proposed Development, as applied for, does not meet the legislated exception to allow the enlargement or addition to the lawful non-conforming building as the variance required is not minor nor is it warranted, and the Proposed Development is not compatible with the adjacent land use in the area. Furthermore, the Board finds that the Proposed Development is not compliant with the ASP. Accordingly, the Board denies the appeal.

Issued this 1st day of April, 2021 for the Parkland County Subdivision and Development Appeal Board.



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B. Williams, Clerk of the SDAB, on behalf of D. Smith, Chair  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

*This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to Section 688 of the Municipal Government Act, RSA 2000, c M-26.*

**APPENDIX "A"**  
REPRESENTATIONS

**PERSON APPEARING**

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1. Thomas Lippiatt, Development Planner
2. Dave Hatton, Applicant
3. Sarah Madore, Community Peace Officer, Observer
4. Rachelle Trovato, Team Lead, Development Planning, Observer
5. Seghan Macdonald, Land Use Planning Intern, Observer

**APPENDIX "B"**  
**DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:**

Exhibit	Description	Date	Pages
1.	Agenda Coversheet	March 18, 2021	1
2.	Table of Contents	March 18, 2021	2
3.	Notice of Appeal – Dave Hatton	February 23, 2021	10
4.	Submission of the Development Authority	March 16, 2021	11-57
5.	Submission of the Applicant – Dave Hatton	March 16, 2021	58-74