

ATHABASCA COUNTY

SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

D23-045

DECISION

A. Introduction

1. The Municipal Planning Commission (“MPC”) refused development permit D23-045 for a 10’ x 24’ (12’ high) shed within the County Residential (CR1) District. The Municipal Planning Commission (MPC) refused this permit on May 23, 2023. An appeal of the MPC decision was received on June 6, 2023. The Appellant is the owner of the Site and has appealed the MPC’s decision.

B. Summary of Hearing

2. Christa Wilkinson, Director of Planning and Development, made a presentation on behalf of the County. She provided the Board with a written report, which is on the Board’s file. Athabasca County (the “County”) recommends refusal of the proposed development on the basis that the proposed development does not conform to the regulations of Section 11.6 County Residential (CR1) District, Section 10.2 Accessory Buildings in the County Residential (CR1) District, and Section 9.24 Site Conditions in Land Use Bylaw.

3. Questions through the chair to Director Wilkinson

1) Member at Large Mr. Gary Cromwell, asked for clarification on variance percentage.

4. The Board then heard submissions from Brent Hubbard, the Appellant. Mr. Hubbard provided the Board with a written submission, which is on the Board’s file. To summarize:

a) Two sheds were removed from the same location. The sheds were removed to improve the property.

b) The purpose of the shed is to store water toys.

5. Lorraine Thorne, Clerk for the Subdivision and Development Appeal Board (SDAB), read email submissions from the following affected property owners in support of the Appellant:

1) Chris & Sue Homeniuk

2) Chris Butlin

3) Shona O'Connor

6. Response to questions by the Board to Mr. Hubbard, the Appellant. To summarize:

a) In response to Member at Large, Chet Gilmore's question as to the approval of a permit obtained by Mr. Hubbard's neighbour for a larger shed Mr. Hubbard advised that he had the documentation regarding the approval on his phone.

b) In response to Member at Large Elaine Leeuw's question regarding the purpose and classification of the shed and if it were possible that it could be called a boathouse. Mr. Hubbard advised that his boat would not fit in the shed, but his sea-doo, kayaks and paddle boards would fit in there and confirmed that these are items he plans to store in the shed.

7. Christa Wilkinson, Director of Planning and Development, made final comments on behalf of the County. She reiterated that the proposed development does not conform to the regulations of Section 11.6 County Residential (CR1) District, Section 10.2 Accessory Buildings in the County Residential (CR1) District, and Section 9.24 Site Conditions in Land Use Bylaw. She also referenced the strong language provided from Alberta Environment. Christa Wilkinson requested that the Board uphold the decision of the Municipal Planning Commission (MPC).

8. Discussions were had through the chair between Mr. Hubbard, the Appellant and Christa Wilkinson of The Development Authority regarding environmental reserves.

C. Decision

9. The Board upholds the appeal and approves permit D23-045 subject to the following conditions:

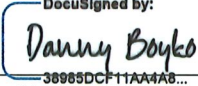
1. The owner/developer is responsible for ensuring all work related to this development is located within the legal boundaries of this property and ensuring that the drainage, grading, and landscaping work related to this development does not negatively affect adjacent properties. Any proposed alterations to the drainage shall be approved by the county.
2. The location of the development shall be within 6' from the existing fence line as shown on the proposed site plan.
3. The owner/developer shall obtain, maintain, and provide a copy to Athabasca County, a valid Roadside Development Permit from Alberta transportation, prior to the start of this development.
4. The accessory building is to be used for residential purposes and is not authorized for any commercial or industrial use. The accessory building shall not be used to provide living quarters or be used as an auxiliary guesthouse.
5. The owner/developer shall be responsible for the construction or improvement of any accesses, approaches or roadways required to service the development and such work shall be in accordance with the standards and specifications of Athabasca County.
6. The owner/developer must obtain any and all necessary permits and approvals from any and all other regulatory bodies which may have jurisdiction over this

proposal. The applicant shall provide copies of any and all approvals to the Athabasca County Planning Department.

D. Reasons for the Decision

1. The land use bylaw states that 'Proposed developments on existing substandard lots which do not meet the provisions of this bylaw shall be considered by the Development Authority. The Development Authority may or may not issue a development permit for the site, having regard to the limitations of the site.'
2. The proposed development would not duly interfere with the amenities of the neighbourhood.

Dated this 17th day of July 2023

Per: 
Chair, Dan Boyko
Athabasca County
Subdivision and Development Appeal
Board

IMPORTANT INFORMATION FOR APPELLANTS

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the *Municipal Government Act*, R.