



**FOOTHILLS COUNTY**  
309 Macleod Trail, Box 5605  
High River, Alberta T1V 1M7  
Phone: 403-652-2341  
Fax: 403-652-7880  
[www.FoothillsCountyAB.ca](http://www.FoothillsCountyAB.ca)  
[planning@foothillscountyab.ca](mailto:planning@foothillscountyab.ca)

February 12, 2025

«MailName»  
«AddLine1»  
«AddLine2» «AddLine3»  
«City», «Prov» «Postal»

Dear Sir/Madam:

TAKE NOTICE that, in accordance with Land Use Bylaw No. 60/2014, a Development Permit application has been approved subject to conditions (attached) and a 21-day appeal period, for a parcel of land that is located within one half mile of your property. The details of the Development Permit application are as follows:

**Development Permit Application File #:** 24D 220

**Legal Description:** E 20-20-26 W4M; Plan 1312160, Block 3, Lot 1

**Approval Description:** Relaxation of Number and Cumulative Size and Relaxation of Setbacks of Accessory Buildings

**Applicant/Owner** Township Planning + Design Inc. (Applicant) / Nathaniel & Joelene Sutherland (Owner)

**Location:** Located on 304 St E, 730 m south of Highway 547 and 4 km east of the Municipal Boundary with Vulcan County

Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal. Notices of Appeal, including payment of the appeal fee are to be filed with the Subdivision and Development Appeal Board within 21 days from the date of the development permit decision (attached). Notices of Appeal and payment of the appeal fee are to be received **no later than March 6, 2025**. Notices of Appeal received after the 21-day notification period will be invalid.

The form required for the Notice of Development Appeal is available on the Foothills County website. To access the form, please visit the following link: <https://www.foothillscountyab.ca/resources/notice-development-appeal>. For further assistance or if you would like us to email you the form, please contact our Planning and Development Department at **403-652-2341** or via email at [Planning@FoothillsCountyAB.ca](mailto:Planning@FoothillsCountyAB.ca).

You should not rely on Notices of Appeal filed by other persons as giving you the right to be heard at an appeal hearing, as only the appellant, applicant or authorized representative of either party is guaranteed the opportunity to be heard at an appeal hearing. If you choose to submit an appeal, please complete the 'Notice of Development Appeal' form found on our website and return the completed form with payment of the required appeal fee to the Subdivision and Development Appeal Board Clerk by email at [appeals@FoothillsCountyAB.ca](mailto:appeals@FoothillsCountyAB.ca) or by fax at 403-652-7880.

The appeal fee will be returned 2 to 3 weeks after the appeal hearing if there is record that the appellant or someone authorized to act on behalf of the appellant was in attendance at the time of the scheduled appeal hearing.

Should you have any questions, concerns, or require clarification on the appeal process, please contact the undersigned.

**NOTE: APPEAL SUBMISSION REQUIREMENTS ARE OUTLINED ON THE 'NOTICE OF DEVELOPMENT APPEAL' FORM**

Yours truly,  
FOOTHILLS COUNTY

*Original Signed By...*

Stacey Kotlar  
Development Officer  
[stacey.kotlar@foothillscountyab.ca](mailto:stacey.kotlar@foothillscountyab.ca)  
(403) 603-6207

SK/as  
Encl. – Development Authority Decision



# DEVELOPMENT PERMIT DECISION

DATE OF DECISION: February 12, 2025

**THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.**

**DEVELOPMENT APPLICATION FILE NUMBER: 24D 220**

**LANDOWNER(S): NATHANIEL AND JOELENE SUTHERLAND**

**APPLICANT(S): TOWNSHIP PLANNING + DESIGN INC.**

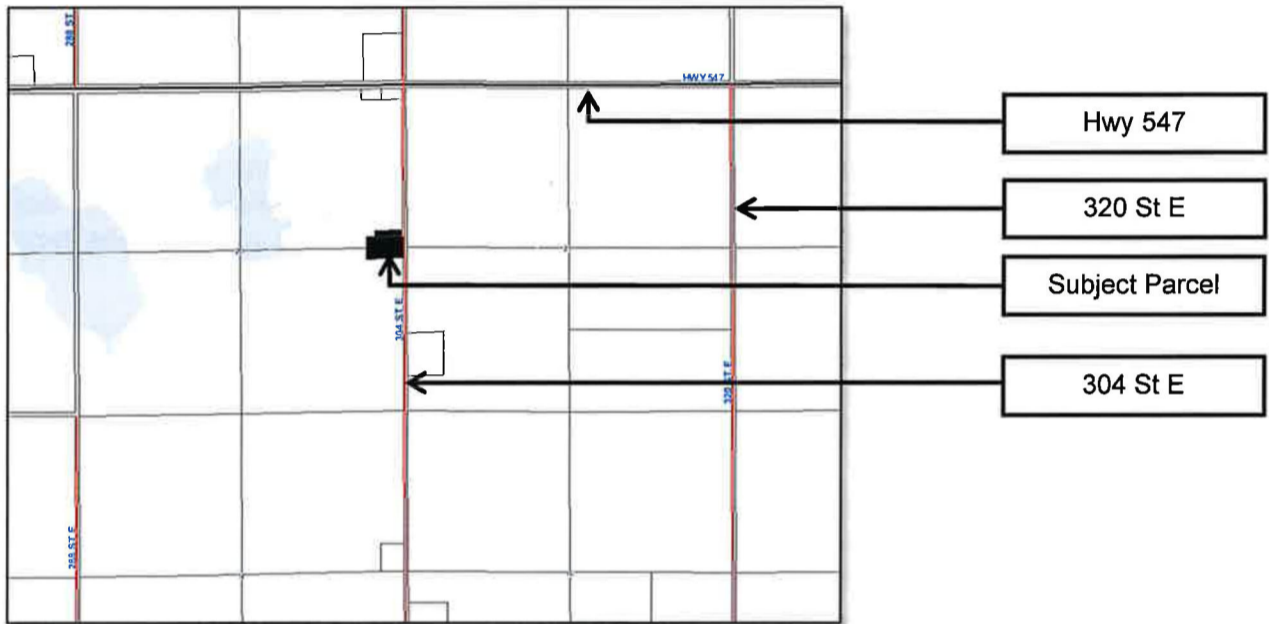
**PROPOSAL DESCRIPTION: RELAXATION OF NUMBER AND CUMULATIVE SIZE and RELAXATION OF SETBACKS OF ACCESSORY BUILDINGS**

**LEGAL DESCRIPTION: PLAN 1312160, BLOCK 3, LOT 1; PTN. E 20-20-26 W4M**

## LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 5.98 acre Country Residential District parcel, located on 304 St E, 730 m south of Highway 547, and 4 km east of the Municipal Boundary with Vulcan County.

### Location Map:



## INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted for a Relaxation of Setbacks to two (2) existing Accessory Buildings, as well as to bring the number and the total cumulative size of Accessory Buildings on the property into compliance with the Land Use Bylaw 60/2014. The submitted Real Property Report shows that the location of two (2) existing structures does not comply with the Foothills County setbacks as outlined within the Country Residential District of the Land Use Bylaw. The submitted Real Property Report also shows that there are a total of five (5) Accessory Buildings with a total cumulative size of 436.58 sq. m. (4,700 sq. ft).

The following will require relaxation of setback approval:

- The Quonset (9.8 x 19.55) is located 5.0 m at its closest point from the north property line, when it is required to be setback 15 m. Therefore, the applicant is seeking a 10 m or 66.7% relaxation of setbacks.
- The Quonset (9.8 x 14.77) is located 5.73 m at its closest point from the north property line, when it is required to be setback 15 m. Therefore, the applicant is seeking a 9.27 m or 61.8% relaxation of setbacks.

Section 5.6.2 of the Land Use Bylaw 60/2014 provides that the Development Authority with the ability to provide a variance of any side yard to a maximum of 90% with respect to existing development within Country Residential District Lands.

The following will require approval:

- The parcel contains a total of five (5) accessory buildings, having a cumulative area of 436.58 sq. m. (4,700 sq. ft.) on a 5.98 acre Country Residential District parcel. Section 4.2.7.1 of the Land Use Bylaw allows for a maximum of four (4) buildings with a total cumulative size not to exceed 285.7 sq. m. (3,500 sq. ft.) accessory to the residence, without the requirements of a Development Permit. Thereby, the existing cumulative size and number of accessory buildings is exceeded by 111.48 sq. m. (1,200 sq. ft.)

Approval of the requested variances is a Discretionary Use under the Country Residential Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer, and subject to a 21-day appeal period.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of relaxation of setbacks to existing accessory buildings and for variance to allowable number and cumulative size of accessory buildings, on the subject parcel being a portion of Plan 1312160, Block 3, Lot 1; E 20-20-26 W4M has been considered by the Development Officer and is **APPROVED** subject to the following.

#### **APPROVAL DESCRIPTION:**

This approval allows for the development and use of Plan 1312160, Block 3, Lot 1; E 20-20-26 W4M for:

- a. Relaxation of setbacks to the existing Quonset (9.8 x 19.55) whereby it is permitted to be located no closer than 5.0m to the north property line as depicted on the accepted Real Property Report, dated October 1, 2024, from Township Planning + Design Inc.
- b. Relaxation of setbacks to the existing Quonset (9.8 x 14.77) whereby it is permitted to be located no closer than 5.73m to the north property line as depicted on the accepted Real Property Report, dated October 1, 2024, from Township Planning + Design Inc.
- c. Quonset (9.80 x 19.55), Quonset (9.80 x 14.77), Shed, Shop and Greenhouse with a cumulative size of 436.58 sq. m are permitted to remain on the property.

#### **CONDITIONS OF APPROVAL:**

*The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). Failure to complete the conditions of approval will see the Development Permit be deemed null and void.*

1. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. **Any revisions and/or additions to the use of this land shall not proceed unless appropriate approvals and permits have been obtained;**

#### **ADVISORY REQUIREMENTS:**

*The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity. It is the responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements for the life of the development.*

1. Development shall comply with the applicable Building and Fire Codes at all times. The applicants are required to obtain all necessary building, plumbing, gas, septic, and electrical permits and inspections applicable to use and occupancy as a single family dwelling;
2. No additional Accessory buildings nor garages will be permitted to be constructed on the parcel without first applying for and obtaining any required development permits. This includes two or three sided buildings with roofs, horse shelters, sheds, tents and or buildings with temporary foundations.
3. All structures on this parcel are to be used for personal use only and shall not be used in association with any business, or for the purpose of storing business related materials, without first obtaining all necessary approvals from Foothills County;
4. No portion of the existing dwelling or accessory buildings shall be used as a secondary dwelling unit without first obtaining all necessary approvals from Foothills County;
5. No topsoil shall be removed from the subject property and natural drainage of the property must be maintained. Alterations to natural drainage may proceed only under the authorization of an issued Development Permit for Lot Grading;
6. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;

#### **NOTES:**

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. Notification of this Development Permit Decision will be advertised in two issues of the Western Wheel and circulated to area landowners (according to County Records at this time) within the subject quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on our website, [www.foothillscountyab.ca](http://www.foothillscountyab.ca).
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
6. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.



# Notice of Appeal

**Subdivision and Development Appeal Board (SDAB)**  
**Foothills County** [www.foothillscountyab.ca](http://www.foothillscountyab.ca)

309 Macleod Trail, Box 5605, High River, AB T1V 1M7 • Tel: 403-652-2341 Fax: 403-652-7880

**APPELLANT INFORMATION** (e.g. Landowner or Affected Party)

Name of Appellant(s)		
Mailing Address	Province	Postal Code
Main Phone #	Alternate Phone #	
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Email Address:		

**AGENT INFORMATION & CERTIFICATION** (complete section if applicable)

Name of Organization:			
Contact Name:			
Mailing Address	Province	Postal Code	
Main Phone #			
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
I (We) _____ hereby authorize _____ to act on my (our) behalf on matters pertaining to this appeal.			
_____	_____	_____	_____
Signature of Appellant(s)	Date	Signature of Appellant(s)	Date

**SITE INFORMATION**

Municipal Address (house and street number):			
Legal Land Description:	Plan	Block	Lot
Quarter-Section	Township	Range	Meridian

**I AM APPEALING** (check only one)

<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Development Permit #</u>  Date of Decision: (Y/M/D) _____	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Subdivision Application #</u>  Date of Decision: (Y/M/D) _____	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order <u>Enforcement Order #</u>  Date of Decision: (Y/M/D) _____
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**REASON FOR APPEAL** (attach separate page(s) if required)

All appeals should contain the reasons for the appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.



This information is being collected for the Subdivision and Development Appeal Board of Foothills County and will be used to process your appeal and to create a public record of the appeal hearing. This information is collected in accordance with Section 33(c) of the *Freedom of Information and Protection of Privacy Act*. If you have any questions regarding the collection or use of this information, contact the FOIP Coordinator at (403) 652-2341.

\_\_\_\_\_  
Signature of Appellant(s) OR  
Person Authorized to Act on Behalf of Appellant(s)

\_\_\_\_\_  
Date

**A hearing must be held within 30 days from the receipt of your Notice of Appeal. Written notice of the date and time of the hearing will be sent by regular mail. If the appeal is against the decision of a Subdivision Authority, notice will be sent to the appellant, landowner(s) of the subject property, and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to the appellant, landowner(s) of the subject property and to landowners located within the half mile surrounding the subject property.**

**\*\*NOTE FOR EMAIL SUBMISSIONS ONLY: IF YOU DO NOT RECEIVE AN EMAIL CONFIRMATION NOTIFYING YOU OF RECEIPT OF YOUR APPEAL, PLEASE CONTACT THE SDAB CLERK IMMEDIATELY. \*\***

### PAYMENT OF APPEAL FEE

If submitting the Notice of Appeal form and paying the appeal fee in person, you do not need to complete this section.  
If submitting the Notice of Appeal form by email, you must complete this section.

Appeal fees are outlined on the attached information sheet - **Submitting an Appeal**

✂ \_\_\_\_\_

### CREDIT CARD INFORMATION

Card type:	<input type="checkbox"/> Visa	<input type="checkbox"/> Master Card	<input type="checkbox"/> American Express
Name as it appears on Card:	Card Number:		
Date of Expiry:	CVC:		
Authorization: I authorize Foothills County to charge \$		to my credit card.	
Signature of Card Holder:	Date:		

### FOR OFFICE USE ONLY

Authorized By:	Date:	Receipt #:
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## Submitting an Appeal – Subdivision Authority Decisions

Appeals of decisions on subdivision applications are covered by [sections 678 to 682 of the Municipal Government Act](#).

A decision on an application for subdivision may be appealed by the applicant, by a Government department (if that department is required to be circulated on the application) or by the School Authority (with respect to matters related to municipal reserve or school reserve lands).

Appeals must be made by filing a notice of appeal within **14 days** of receipt of the decision with either the local Subdivision and Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears subdivision appeals where there is a provincial interest. Otherwise, the appeals are heard by the local SDAB.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- within Alberta's "Green Area"
- 'adjacent' to or contains a body of water
  - adjacent means contiguous or would be contiguous if not for a railway, road, utility right of way or reserve land
- adjacent to or contains (either partially or wholly) land identified on the Listing of Historic Resources or public land set aside for use as historic resource
- the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- the subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas
- within the following distances:
  - 1600 metres of a provincial highway
  - 450 metres of a hazardous waste management facility
  - 450 metres of the working area of an operating landfill
  - 300 metres of the disposal area of any landfill
  - 300 metres of a wastewater treatment plant
  - 300 metres of the working area of a non-hazardous waste storage site

*Some of the distances may be varied in writing by a provincial government department, in which case the SDAB will hear the appeal.*

## Submitting an Appeal – Development Authority Decisions

Appeal of development authority decisions are covered by [Sections 684 to 687 of the Municipal Government Act](#).

A decision on an application for development may be appealed by the person applying for the permit or by any person affected by an order, decision or development permit made or issued by a development authority.

An order issued under a decision of Enforcement Services, being a Stop Order or Compliance Order, may be appealed by the person affected by the order.

Appeals must be made by filing a notice of appeal within **21 Days** after the date on which the written decision is given with either the local Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears development appeals where there is a provincial interest. Otherwise, the appeals are heard by the local Subdivision and Development Appeal Board.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- The subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- The subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas

### THE APPEAL FEE MUST ACCOMPANY THE NOTICE OF APPEAL FORM

*\*Appeal fees are set in the County's Fee Bylaw, which is generally reviewed and amended annually.*

Appeal Type	Fee
<b>Development Authority Decision</b> (fee refunded if appellant appears before the Subdivision and Development Appeal Board)	\$100
<b>Development Authority Decision – Automatic Refusal</b>	\$575
<b>Stop Order</b>	\$575
<b>Subdivision Authority Decision</b> (paid at time of subdivision application and used as a credit on endorsement fees except where the owner/agent appeals the subdivision decision or a condition of the subdivision)	\$2,000

## How to submit your appeal and pay your fee

Completed Notice of Appeal forms may be submitted by mail, in person or by email. Your Notice of Appeal must be received on or before the final appeal deadline and must include the applicable fees as outlined above.

*Mail or deliver to:*

SDAB Clerk, Foothills County  
Box 5605, 309 Macleod Tr. S., High River, AB T1V 1M7

*Email to:*

appeals@foothillscountyab.ca

Please make cheques payable to "Foothills County"

To pay by Credit Card, please use the Credit Card Authorization section found on page 2 of the Notice of Appeal Form.

**\*\*NOTE FOR EMAIL SUBMISSIONS ONLY: IF YOU DO NOT RECEIVE AN EMAIL CONFIRMATION NOTIFYING YOU OF RECEIPT OF YOUR APPEAL, PLEASE CONTACT THE SDAB CLERK IMMEDIATELY\*\***

## What happens after my appeal is submitted?

Once your completed Notice of Appeal form is submitted on time and with the required fee, the appeal will be heard by the SDAB within 30 days. The SDAB Clerk will provide you with additional information regarding the appeal hearing.

If the appeal is against the decision of a Subdivision Authority, notice will be sent to you and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to you and to landowners located within the half mile surrounding the subject property.

## More information

For more information about filing an appeal or SDAB procedures, please contact the SDAB Clerk at:

Phone: 403-652-2341

Email: [appeals@FoothillsCountyAB.ca](mailto:appeals@FoothillsCountyAB.ca)