

NOTICE OF DECISION

Subdivision and Development Appeal Board

October 31, 2017

Ryan and Jodi Neish
Box 8986
Sylvan Lake, AB T4S 1S6

Dear Mr. & Mrs. Neish:

RE: Development Application for an accessory building at 103 Grand Avenue

In accordance with Subsection 687(2) of the Municipal Government Act, wherein the Subdivision and Development Appeal Board (SDAB) must give its decision in writing together with reasons for the decision within 15 days of concluding the hearing, the following serves as notification.

Finding of Fact:

Upon hearing and considering the representations and the evidence of the parties concerned the Board find the facts in the matter to be as follows:

1. Council member recusing himself due to conflict of interest and changing sides of the table.

The Board finds the Councillor acted in accordance with Council Code of Conduct Policy. There was no other member of Council to sit on the Commission in place of the recused Councillor as the third member of Council is the Subdivision and Development Appeal Board Chair. The Municipal Planning Commission Bylaw #206-12 states:

- 3.3 The Commission shall consist of three (3) Members, including:

- a) two (2) members of Council; and is a ratepayer in the Summer Village.
- b) the remaining position shall be a member of the public-at-large who is not in conflict with the hearing.

2. Resident pouring foundation walls for unapproved basement.

The Board finds the “basement” not applicable as no basement was constructed and agrees with the Development Officer’s explanation that unless a basement is requested on the development application, there is no discussion about what is constructed below grade as this would fall under Superior Safety Codes.

3. Geotechnical Report not requested.

The Land Use Bylaw #208-13, Part Two, Section 2.3 (2) states:

- 2. At the sole discretion of the **Development Officer**, an application for **Development Permit** may be required to be accompanied by:

- (a) A geotechnical report, assessment or investigation prepared by a qualified geotechnical engineer for any proposed **development**, redevelopment, clearing or grading, excavation or adding fill within **escarpment** areas having ten (10) percent or greater slopes. The proposed **development** plan must show slope **setback** distances, cross-sections of the slope area both before and after **development** and final grading. The height and existing angle of the slope shall be verified by accurate historical survey data or site specific information completed by a qualified surveyor;

4. Letter of intent not included in application.

The Board finds the letter of intent was included in the Municipal Planning Commission’s package. It is the Commission’s discretion whether they wish to discuss during the meeting.

5. Construction started prior to the 21 day appeal period.

The Development Permit #171462 clearly states:

- 16) No work may commence prior to October 13, 2017 to allow for the 21 day appeal period.

Decision of SDAB:

It is the unanimous decision of the Subdivision and Development Appeal Board that the decision of the Municipal Planning Commission and the Development Permit #171462 for a detached garage with guest house be upheld.

Sincerely,

SUMEMER VILLAGE OF NORGLLENWOLD

Jeff Ludwig
Chair
Subdivision and Development
Appeal Board