

**SUMMER VILLAGE OF BIRCHCLIFF  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
JULY 30, 2020  
RECORD OF HEARING AND DECISION**

<b>PRESENT</b>	Chair:	Roger Dufresne
	Member-at-large:	Thom Jewell
	Member at Large:	Karen McCaffery
	CAO:	Tanner Evans
	Junior Development Officer:	Kara Kashuba
	Recording Secretary:	Teri Musseau
	Appellant:	Marilyn Johnson Garry Johnson
	Applicant Representative:	Bill Stasivk for Ken Kerchoff

**CALL TO ORDER** Chair Dufresne called the hearing to order at 10:00 a.m.

**PURPOSE OF HEARING** The purpose of this hearing is to hear an appeal received from Marilyn Johnson, adjacent landowner, on July 9<sup>th</sup>, 2020, appealing the amendment to the development permit #184868 issued June 25<sup>th</sup>, 2020, by the Development Officer, to include the driveway and sidewalk, at 145 Birchcliff Road, Lot 3 Block 3 Plan 4112EO, in the Summer Village of Birchcliff.

**APPEAL FILED AND NOTICE GIVEN** Pursuant to Section 686(1) of the Municipal Government Act, the appeal was filed within the 21-day appeal period following the June 25<sup>th</sup>, 2020, issuance of the amended development permit. Section 686(2) of the Municipal Government Act requires that the appeal hearing be convened within 30 days of the receipt of notice of appeal. The appeal was received on July 9<sup>th</sup>, 2020. The appeal hearing is being convened 21 days within receipt of the notice of appeal.

**DEADLINE FOR DECISION** Pursuant to Section 687(2) of the Municipal Government Act, the Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within 15 days of concluding the hearing.

**OBJECTIONS TO MEMBERS OF THE APPEAL BOARD** The Members of the Subdivision and Development Appeal Board are appointed in accordance with the Subdivision and Development Appeal Board Bylaw #204-18.

Members of the Subdivision and Development Appeal Board were asked if they felt they should disqualify themselves from hearing the appeal before them and no one felt they needed to disqualify themselves.

Mrs. Johnson was asked if she had any objection to any of the members of the Subdivision and Development Appeal Board present hearing the case. She had no objection to any of the members hearing his case.

**DISCLOSURE OF EVIDENCE** The members of the Subdivision and Development Appeal Board were asked if they had sought, been given or reviewed any evidence prior to the hearing.

**FINDING OF FACTS** No members had any prior knowledge of the appeal prior to the hearing.

**APPEAL LETTER READ** Teri Musseau, Secretary of the Subdivision and Development Appeal Board read the appeal letter received from Mrs. Johnson on July 9, 2020 into record.

**HEARING  
PROCEDURES**

Chair Dufresne reviewed the procedures to be followed for the hearing.

**JURISDICTION**

Tanner Evans, CAO, provided his report to the Board on duties and jurisdiction.

**RECESS FOR  
JURISDICTION**

Chair Dufresne called for a short recess while the board discussed jurisdiction at 10:09 a.m.

Chair Dufresne reconvened the hearing at 10:28 a.m.

**DECISION OF  
THE BOARD ON  
JURISDICTION**

The Subdivision and Development Appeal Board determined it had no jurisdiction to hear the appeal as the requested development complies with land use described in Land Use Bylaw 170-13 as per the Municipal Government Act 680 (2)(6) and the Land Use Bylaw 170-13 was not relaxed, varied or misinterpreted.

**ADJOURNMENT**

The hearing was adjourned at 10:30 a.m.

**DATED AT THE TOWN OF SYLVAN LAKE THIS 30<sup>TH</sup> DAY OF  
JULY 2020.**

**THE SUMMER VILLAGE OF  
BIRCHCLIFF SUBDIVISION AND  
DEVELOPMENT APPEAL BOARD**

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**Roger Dufresne  
SDAB Chairman**



