

# NOTICE OF DECISION

## Subdivision and Development Appeal Board

June 7, 2022

### **RE: Development Permit #222032 for Demolition and Dwelling**

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 finds the facts in the matter to be as follows:

1. The dwelling is a permitted use that is within the regulations of the Land Use Bylaw.
2. There was no relaxation or variance granted and the dwelling height is 5.4' less than the maximum allowable height.
3. The development does not have an accessory building included in the plans and there is no breezeway joining the house and garage.
4. Parcel coverage is below the maximum 50% allowable.
5. The Land Use Bylaw does not address a maximum square footage size for a dwelling.
6. The Land Use Bylaw was not misinterpreted by the Development Officer.
7. Notice of decision was mailed to adjacent landowners and the notice was posted on the Summer Village website for the appeal period.

**Decision of SDAB:**

The *Municipal Government Act* Section 642(1) states:

*“When a person applies for a development permit in respect of a development provided for by a land use bylaw pursuant to section 640(2)(b)(i), the development authority must, if the application otherwise conforms to the land use bylaw and is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.”*

Based on the evidence presented at the hearing and with consideration for the presentations made by both the appellants and the applicant, it is the decision of the Subdivision and Development Appeal Board to uphold the development permit # 222032 for demolition and dwelling at 747 Elk Street and deny the appeal.

This decision can be appealed to the Court of Appeal on question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in section 688 of the *Municipal Government Act* which requires an application for leave to appeal to be filed and served within 30 days of this decision.

Dated at the Town of Sylvan Lake, in the Province of Alberta, this 7<sup>th</sup> day of June 2022, and signed by the Secretary on behalf of all Board members who agree that the content of this document adequately reflects the decision of the Board.

Respectfully,

SUMMER VILLAGE OF SUNBREAKER COVE

*Teri Musseau*

Teri Musseau  
Secretary  
Subdivision and Development Appeal Board