

**SUMMER VILLAGE OF NORGLNWOLD
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AND DECISION
NOVEMBER 13, 2018**

CALL TO ORDER

The Chair called the hearing to order at 10:00 a.m.

The following people were in attendance:

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| Chair | Jeff Ludwig |
| Member at large | Allan MacPherson |
| Member at large | Carol McMillan |
| Development Officer | Koralyn Lemmon |
| CAO | Phyllis Forsyth |
| SDAB Secretary | Teri Musseau |
| Applicants | Terry Neudorf |
| Public | Ray George |

PURPOSE OF THE HEARING

The purpose of this hearing is to hear an appeal received from Terry Neudorf against the Municipal Planning Commission's decision of August 27, 2018 denying the application for mechanized grading on the municipal reserve in front of and at the property located at 28 Rustic Crescent, Lot 8, Block 8, Plan 7921842 in the Summer Village of Norglenwold. The Subdivision and Development Appeal Board granted an adjournment at the request of the applicant on October 3, 2018.

IN THE MATTER OF AN APPEAL by the appellant, Terry Neudorf appealing the Municipal Planning Commission's decision of August 27, 2018 denying the application for mechanized grading on the municipal reserve in front of and at the property located at 28 Rustic Crescent, Lot 8, Block a, Plan 7921842 in the Summer Village of Norglenwold.

BEFORE the Summer Village of Norglenwold Subdivision and Development Appeal Board:

Chairman Jeff Ludwig
Member Allan MacPherson
Member Carol McMillan

THIS IS AN APPEAL ON the Development Authority's decision of August 27, 2018.

UPON NOTICE BEING GIVEN by letter to the appellant and owners of property located within 200' radius of the adjournment for the proposed development on October 9, 2018.

BACKGROUND

The Subdivision and Development Appeal Board Secretary advised that Terry Neudorf against the Municipal Planning Commission's decision of August 27, 2018 denying the application for mechanized grading on the municipal reserve in front of and at the property located at 28 Rustic Crescent, Lot 8, Block a, Plan 7921842 in the Summer Village of Norglenwold.

OBJECTIONS TO ANY MEMBERS HEARING THE APPEAL

The Secretary asked if any members of the Subdivision and Development Appeal Board felt that they should disqualify themselves from hearing the appeal before them. No one felt the need to disqualify themselves.

The Secretary then asked Mr. Neudorf if they had any objection to any of the Subdivision and Development Appeal Board members. He had none.

The Board members were asked if other than the agenda package provided here today, had any member of the SDAB sought, been given or reviewed evidence prior to the hearing.

All answered they had not.

READING OF APPEAL LETTER FROM MR. NEUDORF

The CAO read the appeal written from Mr. Neudorf which was received at the office on September 13, 2018 appealing the decision from the Municipal Planning Commission to deny his application for a development permit for mechanized excavation on his property and the municipal reserve

JURISDICTION AND DUTIES

Phyllis Forsyth, CAO, provided the Board information on the duties of the Subdivision and Development Appeal Board members and how to determine if they had jurisdiction to hear the appeal.

Chair Ludwig, called for a brief recess to determine jurisdiction.

Determining they had jurisdiction to hear the appeal, the hearing was reconvened.

DEVELOPMENT OFFICER REPORT

Koralyn Lemmon provided the Board with the background information regarding the application.

In 2007 a development permit was issued by Myra Reiter, former CAO, for the construction of the residence. A site plan and building drawings were submitted but not a landscaping plan. In 2009 there were emails between Myra and Terry regarding the construction of the fence. In June 2018 there was a complaint regarding dirt being hauled out of front yard, resulting in a letter being mailed to the owners stating a development permit was required for mechanized excavation/stripping/grading.

A complete application was submitted on August 15, 2018, which included Alberta Environments approval for shoreline rip rap and a landscaping plan that reflects today's development of the municipal reserve, from 2012. As well as a string of emails from 2011 between Terry and Myra, in which shoreline protection was recommended by going through Alberta Environment, however no written approval is seen for the municipal reserve construction.

On August 27, 2018, the application was submitted to the Municipal Planning Commission due to the mechanized grading on the private property as well as the municipal reserve. After grade was established, the applicant was going to place turf.

On September 6, 2018, a Notice of Decision was sent to the applicant informing them that the application was denied and that all rocks/historical construction material is removed from the reserve, as well as the owner to seek approval from Council for an encroachment agreement for the fence post and concrete base located on the municipal reserve.

APPELLANT PRESENTS CASE

Terry Neudorf presented his case to the board.

He applied for a permit to complete the landscaping at his residence. The initial construction in 2008 involved digging the foundation and decks, once these were completed the disturbed grade had never been levelled nor had the proper fill been placed for finished grade and turf, this is what I applied to complete as mechanized equipment would be required.

During construction, massive shoreline erosion was happening so he discussed a potential rock wall on his property with Myra to stop the erosion once it reached the property line. Myra suggested he contact Lakeview Contracting to do shoreline preservation and save as much of the reserve land as he could. Lakeview Contraction did a design and acquired all necessary approvals. The design included shore rocks, grass vegetation with a rock border.

Mr. Neudorf stated Myra came to the site to personally inspect construction and many of her authorizations were verbal and not followed up in writing or email which was common practice at that time.

QUESTIONS FROM THE BOARD

The board members asked questions of the appellant regarding drawings, permits and license of occupation from government.

WRITTEN SUBMISSIONS IN FAVOUR OF THE APPEAL

There were no written submission received in favour of the appeal.

COMMENTS IN FAVOUR OF THE APPEAL

No comments were received in favour of the appeal.

WRITTEN SUBMISSIONS IN OPPOSITION OF THE APPEAL

No written submission were received in opposition of the development.

COMMENTS IN FAVOUR OF THE CONDITIONS

No comments were received in opposition of the appeal.

QUESTIONS FROM THE BOARD

The board had no further questions.

CLOSING COMMENTS FROM THE APPELLANT

Mr. Neudorf stated the appeal speaks for itself and had nothing additional to add.

CLOSING COMMENTS FROM THE DEVELOPMENT OFFICER

Although there was no written approval from the Summer Village regarding the current development of the municipal reserve, the file has no objection to it either (no complaints or enforcement measures etc.) When the MPC

denies an application, they need to give a reason, this reason is not present in the minutes. If this board approves the application as presented, I would recommend a completions deposit of \$1500 and the reserve to be finished with unmanicured native vegetation other than the existing stepping stones.

CLOSING COMMENTS FROM THE BOARD

Chair Ludwig asked Mr. Neudorf if he felt he had an opportunity to present his case. He acknowledged he had.

Chair Ludwig thanked everyone for their attendance and presentations. A written decision of the Board will be made within 15 days.

He declared the hearing closed at 10:4 a.m. noting no further information or submissions would be entertained by the board.

DECISION OF THE BOARD

The Subdivision and Development Appeal Board hereby grant the development permit for mechanized grading on the private property located at 28 Rustic Crescent with the following conditions:

- 1) Blast rock to be removed from Environmental Reserve.
- 2) Isolation line if required be installed entirely on residential property.
- 3) Work to be completed as per the conditions on the original permit from Alberta Environment and Sustainable Resource Development #00302171-00-00.
- 4) Restoration of the Environmental Reserve as per Alberta Environment and Sustainable Resource Development Approval #00302171-00-00 conditions 3.8, 3.9, 3.10 and 3.11.
- 5) Completions deposit of \$1500.00.
- 6) Work to be completed to the satisfaction of the Development Officer.
- 7) Real Property Report to be provided prior to completion.

DATED AT THE TOWN OF SYLVAN LAKE THIS 13TH DAY OF NOVEMBER, 2018.

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

**Jeff Ludwig
Board Chairman**