

## **AGENDA**

### **SUBDIVISION AND DEVELOPMENT APPEAL BOARD LEDUC COUNTY COUNCIL CHAMBER, COUNTY CENTRE, NISKU, ALBERTA**

**Thursday, August 15, 2019**

1. **Order and Roll Call** – 9:00 a.m.
2. **Agenda Adoption**
3. **Adoption of Previous Minutes**
  - \* July 26, 2019 Subdivision and Development Appeal Board Meeting
4. **Subdivision and Development Appeal Hearing**
  - \* a) 9:00 a.m. D19-153 Appeal by York Realty Inc. – relating to Development Permit D19-153 by Leduc County for a Free Standing Sign (40' wide X 20' high, overall height 26') located within Nisku Industrial Park (8<sup>th</sup> Street Road Right of Way).
  - \* b) 10:00 a.m. D19-118 Appeal by Hans & Charlene Deweerd for development of Kennel – increase from 30 to 60 dogs on Lot 3, Block 5, Plan 8721856, Pt. SE 36-48-25-W4 (1070A 48520 Highway 2A.  
Roll #1280031  
**Preliminary Matter** – Board to consider jurisdiction to hear the appeal based on the late submission for appeal and the request by appellant to hear the matter.
5. **Next Meeting Date** – at the call of the Chair.
6. **Adjournment**

\* **Legend**  
Items Attached To Agenda



**MINUTES OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON THURSDAY, AUGUST 15, 2019 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.**

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**Order and Roll Call**

The meeting was called to order at 9:00 a.m., Thursday, August 15, 2019 by Chair Mary-Ann McDonald as Chair with Board Members Doug Ruel, Pat Rudiger, Rod Giles and Larry Wanchuk present.

Also present were Ms. Joyce Gavan, Clerk; Lynn White Recording Secretary; and Charlene Haverland, Manager of Development Services.

**Agenda Adoption**

**42-19** Board Member Rudiger -- that the Agenda for the August 15, 2019 Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

**Previous Minutes – July 26, 2019 Subdivision and Development Appeal Board Meeting**

**43-19** Board Member Giles -- that the July 26, 2019 Subdivision and Development Appeal Board meeting minutes, be accepted as circulated.

Carried

**Appeal by York Realty Inc. whereby Development Permit Application D19-153 by Leduc County was conditionally approved for a Free Standing Sign (40' wide X 20' high, overall height 26') located within Nisku Industrial Park (8<sup>th</sup> Street Road Right of Way).**

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Chair McDonald called the hearing to order at 9:01 a.m.

Chair McDonald advised that there has been correspondence submitted requesting an adjournment.

Leduc County administration respectfully requests that the Subdivision and Development Appeal Board hearing relating to Development Permit Application D19-153 by Leduc County which was conditionally approved and appealed by York Realty Inc. for a free standing sign located within Nisku Industrial Park (8<sup>th</sup> Street Road Right of Way), be deferred to a date no later than September 15, 2019. The reason for deferral is requested as Leduc County administration continue to discuss with the appellant a new location for the free standing sign. Leduc County and the appellants feel it would be beneficial for the hearing to be adjourned.

An email was received on August 7, 2019 from Alex Thomson, Cameron Development Management Inc., confirming that Monarch Business Park Inc. is willing to agree to defer the SDAB hearing on the development permit for the sign until the earlier of the next scheduled appeal date or that date which is 30 days from August 15, 2019.

There was no one in attendance who expressed opposition to the request for adjournment.



**Adjourn Hearing - Appeal by York Realty Inc. whereby Development Permit Application D19-153 by Leduc County was conditionally approved for a Free Standing Sign (40' wide X 20' high, overall height 26') located within Nisku Industrial Park (8<sup>th</sup> Street Road Right of Way).**

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**44-19** Board Member Ruel -- that the hearing of appeal by York Realty Inc. relating to Development Permit Application D19-153 by Leduc County for the conditional approval of a free standing sign (40' wide X 20' high, overall height 26') located within Nisku Industrial Park (8<sup>th</sup> Street Road Right of Way) be adjourned until Thursday, September 12, 2019, commencing at 9:00 a.m.

Carried

### **Recess**

The meeting recessed at 9:03 a.m. and reconvened at 10:00 a.m. with Chair Mary-Ann McDonald and Board Members Doug Ruel, Pat Rudiger, Rod Giles and Larry Wanchuk present.

Also present were Ms. Joyce Gavan, Clerk; Lynn White Recording Secretary; Charlene Haverland, Manager of Development Services; Colin Richards, Team Lead Development; Greg McGovern, Planner 1; and one other individual.

**Appeal by Hans and Charlene Deweerd whereby Development Permit Application D19-118 was refused for a Kennel (increase from 30 to 60 dogs) located on Lot 3, Block 5, Plan 8721856, Pt. SE 36-48-25-W4 (1070A 48520 Highway 2A).**

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Chair McDonald called the hearing to order at 10:00 a.m. and introduced Board Members and staff.

Chair McDonald explained the purpose of the hearing, the order of presentation and the procedures to be followed.

Chair McDonald then called upon the Board Clerk to introduce the subject of this appeal.

Joyce Gavan, Clerk, advised of the appeal by Hans & Charlene Deweerd for the refusal of Development Permit Application D19-118 for a kennel increase from 30 to 60 dogs located on Lot 3, Block 5, Plan 8721856, Pt. SE 36-48-25-W4.

### **Preliminary Matter**

Ms. Gavan advised there is a preliminary matter that must be considered by the Board with respect to jurisdiction whether the Board can hear the appeal by Hans and Charlene Deweerd. The appeal was received on July 23, 2019 while the June 24, 2019 Notice of Decision by the Development Authority stated an appeal must be received at Leduc County by July 15, 2019, which 8 days overdue.

The appellant, Charlene Deweerd, indicated the reason for appealing late was due to the fact they were on holidays and were under the impression that they would receive notice after July 17<sup>th</sup> when they returned and indicated they only received an email and no letter.

Chair McDonald requested clarification from the Development Authority with respect to method of notification.

Greg McGovern, Planner 1 advised that the Notice of Decision was mailed out on June 24, 2019.





Chair McDonald asked Charlene Deweerd if she wished to provide any further information.

Charlene Deweerd, appellant, advised that she had a meeting with Charlene Haverland and Greg McGovern prior to her going on vacation. She requested that the Notice of Decision not be sent out prior to her going on vacation which was July 7-17, 2019.

Chair McDonald asked Development Authority staff if they wished to provide any further information.

Greg McGovern indicated that a meeting was held with Charlene Deweerd, Charlene Haverland, Councillor Kelly Vandenberghe, and himself to discuss the refusal. At that meeting, the Appellant mentioned that she was going on vacation. It was decided not to mail the notice before June 21, 2019. The Notice of Decision was mailed out and emailed on June 24, 2019.

Charlene Deweerd indicated that she did not receive the Notice through the mail and that she did not check her email while she was on vacation.

Chair McDonald asked the Development Authority what would happen if the Board decided not to proceed with the Appeal Hearing.

Charlene Haverland indicated that according to the Leduc County Land Use Bylaw, the Appellant could resubmit her application within six months and would be subject to the same fees.

### **Recess**

Chair Mary-Ann McDonald requested a recess at 10:07 a.m. The Board reconvened at 10:10 a.m. with the following people in attendance: Chair Mary-Ann McDonald and Board Members Doug Ruel, Pat Rudiger, Rod Giles and Larry Wanchuk present.

Also present were Ms. Joyce Gavan, Clerk; Lynn White Recording Secretary; Charlene Haverland, Manager of Development Services; Colin Richards, Team Lead Development; Greg McGovern, Planner 1; and one other individual.

**Dismiss Appeal by Hans and Charlene Deweerd whereby Development Permit Application D19-118 was refused for a Kennel (increase from 30 to 60 dogs) located on Lot 3, Block 5, Plan 8721856, Pt. SE 36-48-25-W4 (1070A 48520 Highway 2A).**

**45-19** Board Member Giles -- that the Subdivision and Development Appeal Board dismiss the appeal by Hans & Charlene Deweerd for the refusal of Development Permit Application D19-118 for a kennel increase from 30 to 60 dogs located on Lot 3, Block 5, Plan 8721856, Pt. SE 36-48-25-W4. The dismissal is in accordance with Section 686(1)(A) of the Municipal Government Act which states a development appeal must be filed within 21 days after the date on which the decision is made or, the date on which the application for the development is deemed refused; and further that the Appellant be reimbursed the \$155 Appeal fee.

Carried

### **Conclusion of Public Hearing**

Chair McDonald declared the Public Hearing concluded at 10:12 a.m.

### **Next Meeting**

The next scheduled Subdivision and Development Appeal Board meeting will be held on Thursday, September 12, 2019, commencing at 9:00 a.m.

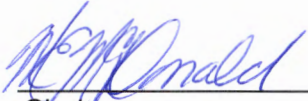


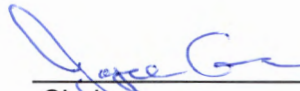
**Adjournment**

**46-19** Board Member Ruel -- that the Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Subdivision and Development Appeal Board meeting concluded at 10:13 a.m.

  
Chair

  
Clerk