



AGENDA

INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (ISDAB) COUNCIL CHAMBER, LEDUC COUNTY CENTRE, NISKU Friday, April 16, 2021

1. Order and Roll Call – 9:00 a.m.
2. Agenda Adoption
3. Adoption of Previous Minutes
 - * January 29, 2021 Intermunicipal Subdivision and Development Appeal Board Meeting

4. Subdivision and Development Appeal Hearing - D01-2021

- * a) 9:00 a.m.

Apellant(s) / Applicant / Landowner	Rodney Prunica
Leduc County Municipal Roll #	1126142
Legal description of subject property	Lot 15C, Block 2, Plan 9923254, SE-31-50-24-W4
Municipal address	290 50512 Rge Rd 245 Edda Vista
Nature of development application	Addition to accessory building shop - 334.5 sq.m (3600 sq.ft.)
Development permit application #	D21-037

5. Next Meeting Date – call of the chair
6. Adjournment

MINUTES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON FRIDAY, APRIL 16, 2021 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.

Order and Roll Call

The meeting was called to order at 9:00 a.m., Friday, April 16, 2021 by Chair Mary-Ann McDonald, and Board Members Pat Rudiger, Rod Giles and Ivan Laing present.

Also present were:

- Lynn White, Recording Secretary
- Charlene Haverland, Manager - Development Services
- Rodney Prunica, Appellant/Applicant
- John Schonewille, registered speaker

Agenda Adoption

10-21 Board Member Giles -- that the agenda for the April 16, 2021 Intermunicipal Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

Adoption of Previous Minutes – January 29, 2021

11-21 Board Member Rudiger -- that the January 29, 2021 Subdivision and Development Appeal Board minutes be confirmed as circulated.

Carried

Appeal by Rodney Prunica relating to refusal by the development authority of Development Permit Application D21-037 for an addition to accessory building shop - 334.5 sq. m (3600 sq. ft.) located at Lot 15C, Block 2, Plan 9923254, SE 31-50-24-W4 (290 50512 Rge Rd 245, Edda Vista).

Chair McDonald called the hearing to order at 9:00 a.m. and provided introductory remarks.

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

Joyce Gavan, Clerk, advised of the appeal by Rodney Prunica relating to refusal by the development authority of Development Permit Application D21-037 to Rodney Prunica for an addition to accessory building shop - 334.5 sq. m (3600 sq. ft.) located at Lot 15C, Block 2, Plan 9923254, SE 31-50-24-W4 (290 50512 Rge Rd 245, Edda Vista).

The reasons for appeal is as follows:

1. Would like for dad to store his truck, tractor, trailer and work on things; Dad wants to sell acreage 45 minutes from Leduc.
2. Want to store my birch wood and skidsteer attachments inside, 2 pickup trucks.
3. Also have a brother with RV trailer would put inside if room.

Clerk Joyce Gavan advised the following information is attached for the Board:

- 1) Notice of ISDAB hearing package dated April 6, 2021



- 2) Notice of appeal received by Rodney Prunica on March 16, 2021
- 3) Notice of decision (refusal) by Development Authority including site plan dated March 16, 2021
- 4) Development Permit Application D21-037 by Rodney Prunica
- 5) Key Plan
- 6) Development Authority's submission
- 7) March 5, 2021 email from adjacent landowner
- 8) Two photos provided by appellant

The Board confirmed the appeal was submitted properly and acceptable to the Board.

Chair McDonald asked if any Board member felt a need step down from this hearing within the boundaries of conflict of interest, and there was no one.

Chair McDonald asked if anyone had any objection to any of the members of the Intermunicipal Subdivision and Development Appeal Board hearing this appeal, and there was no objection indicated.

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

Chair McDonald called upon the Development Authority to provide background information.

Manager of Development Services Charlene Haverland provided a PowerPoint presentation relating Development Permit D21-037, highlighting the following:

- On February 22, 2021, the Development Authority received a Development Permit application D21-037. The application proposed an addition of 334.5 sq.m. (3600 sq.ft.) to an existing building, increasing the building size to 6050 sq. ft.
- The subject property is a country residential lot located on Plan 9923254, Block 2, Lot 15C, located 290, 50512 Range Road 245 Edda Vista. As per County record, the site has an existing dwelling, shed and accessory building.
- The shop is located at the back of the property.
- The submitted site plan shows the proposed addition.
- In 2011, an application was submitted for an Approved Home Occupation Type 2 (Eavestroughing and Carpet Cleaning). At that time, the Development Authority recommended refusal. It went to appeal and was approved.
- Complaints have been submitted to the County regarding outdoor activity conducted late into the evening hour and facilitated by bright spot lighting, and vehicles associated with the home occupation. The eavestroughing home occupation, as presently operated, constitutes a Type 3 Home Occupation. However, even if this operation were to be re-located indoors to comply with the requirements of a Type 2 Home Occupation, the concerns relating to traffic, noise and late night operations make this Home Occupation, in the opinion of the Development Authority, unsuitable for its location.

- Under the current Land Use Bylaw the business would be classified as a Home Based Business Type 2 and Type 3. No operation of the business shall be operated outdoors. A Home Base Business Type 3 is not permitted within Country Residential.
- In 2013, Leduc County revised the home occupation section of the Land Use Bylaw, replaced by home based business.
 - Type 1 - There shall be no storage of materials associated with the home occupation except within the dwelling (e.g., massage, salon); there shall be no commercial vehicles associated with the business permitted on site.
 - Type 2 - There shall be no outdoor storage associated with the home occupation; there shall be no more than one commercial vehicle associated with the business permitted on the site at any time.
 - Type 3 - A Home Occupation Type 3 shall not be permitted in a multi-lot residential subdivision or within 400 m (1,312 ft.) of an existing multi-lot residential subdivision.
- When considering the development, the size of the accessory building does not quite fit into the subdivision as it is large and with the proposed addition, it would be substantially larger at 6,050 sq. ft.
- Within current bylaws, a landowner with a Type 2 business now has to re-apply for a permit after two years.
- If new principals were applied, only 3,000 sq. ft. would be allowed.
- When the development permit was approved in 2011, outdoor storage related to the business was allowed. Current Type 2 business does not allow outside storage related to the business.
- The development application was referred out. Internally, there were no concerns submitted from Engineering or Safety Codes. Externally, there was one submission from an adjacent landowner who has concerns with noise, the size of the accessory building and the number of vehicles coming in daily.
- The Land Use Bylaw indicates that anything over 900 sq. ft. is considered discretionary. As well, there is concern that the home occupation business operating today is already operating beyond capacity for what was approved; and there is also the outdoor storage to consider.
- Technically, the Development Authority would like to see a new Development Application to bring them into compliance according to current standards.
- The rules have changed since the original development application was approved in 2011. The Development Authority is of the opinion the larger proposed building may impact the neighboring community and only enhance the existing businesses already operating on the site. It is recommended that the Board uphold the refusal decision of the Development Authority.

Chair McDonald asked if there were any questions by the Board members of Development Authority staff.

In response to questions by Board members, Charlene Haverland advised of the following:

- The permit issued in 2011 is still an active permit.



- The permit approved in 2011 was given in accordance with Home Occupation Type 2 Section of the Land Use Bylaw. The Home Occupation Regulations have since been changed to Home Based Business and have changed dramatically.
- In 2011, the permit had no restriction in how much space the business occupied in the accessory building. According to the current Land Use Bylaw, businesses can only operate 50% of the accessory building. In 2011, there was no time limit placed on Type 2 Home Occupations permit. Today, the Type 2 Home Based Business permits provide a time limit of two years. In 2011, the permit allowed limited outdoor business storage. Today, there is no outdoor storage allowed to be associated with a business.
- The appellant is in compliance today with the permit issued in 2011.
- Because this is a development application for a larger accessory building the development authority takes into consideration the home occupation approval provided in 2011 as those conditions may be interpreted to be applied to the entire building. Should the permit be approved, the appellant may assume he can operate the business in all 6050 sq. ft. as per the permit issued in 2011 due to the no size restriction back then.
- According to current Land Use Bylaw, there are no restrictions on the size of an accessory building. Anything over 1,000 sq.ft. is considered a discretionary use which allows for neighbor input.
- The appellant has been issued no citations to date.

Chair McDonald called upon the appellant/applicant Rodney Prunica to speak to the proposed development.

Rodney Prunica provided the following:

- 1) Have wood pile. This is split birchwood from father's farm at Genesee. Would like to put this wood under cover. This wood is shared amongst family members.
- 2) As reflected in the submitted photo, the property at 50 Beau Vista Drive shows two large shops. Just want to share that there are other similar properties in the area of the Vistas.
- 3) Was raised near St. Francis. Father has lived in Leduc County for 80 years.
- 4) Have owned carpet cleaning business for 30 years and eavestrough business for 15 years.
- 5) No business is conducted on-site. All work is done in communities or on other properties.
- 6) Do more eavestrough business than carpet cleaning.
- 7) Do not make eavestrough on property.
- 8) Admits there may be some noise but not associated to business.
- 9) Thankful for development permit issued in 2011. Would not have survived without it. Industrial lots are very expensive.
- 10) Proposed use for addition to accessory building would be to store birchwood, skidsteer, RV, boat and space for father to work on stuff.
- 11) Father currently lives in Leduc but goes to acreage at St. Francis to do things like gardening and other projects. The plan would be for father to sell acreage at St. Francis and come to

max

this property to do his projects. The family would have the security of knowing that father has someone close by if necessary and that's the main reason for this addition.

- 12) Some people build 10,000 sq. ft. homes. Would rather have a smaller house and a larger shop to do stuff in.
- 13) Came into Leduc County office and asked if this proposed addition would be a problem and they said no, so I started on the drawings. Spent money on permit and then got refused. Did not expect that. Have already hauled gravel in but can still use it for other things.
- 14) Would have been nice to know that it was going to get refused before putting out all the money.
- 15) Everything was reviewed in 2011. Was hoping this wouldn't be brought up again.
- 16) It appears John Schonewille doesn't seem to like us. Thought he sold his property but I guess he's still there.

In response to questions by Board members, Mr. Prunica advised of the following:

- The submitted photo of property with two shops belongs to someone else. Just showed the property as a comparison.
- Eavestrough supplies brought onto property are stored within the shop.

Chair McDonald called upon registered speaker, John Schonewille, to speak to the appeal (against the proposed development and in favour of the refusal by the development authority).

John Schonewille, resident at 330, 50512 - Rge Rd 245, spoke against the proposed development for the following reasons:

- Lives two doors down and yes, have sold property and will be moving.
- Other people have voiced their concerns to me about this application so am speaking on behalf of others as well.
- The photo provided by appellant is not in same subdivision; it's from Beau Vista. There are a total of three properties in that photo. Those shops have acrylic flooring. The property owner has businesses in Nisku and does all his business from Nisku.
- Pretty hard for County to ensure compliance. Fire restrictions will say no outside burning and Rodney will burn at night. Dump trucks come in late evening. Had dirt hauled in. Probably doesn't even have a permit.
- Noise wakes you up at 4:00 a.m. and it is still noisy at 11:00 p.m. at night.
- When approved for permit in 2011, Rodney said it was for RV storage and personal storage.
- No business license for carpet cleaning.
- Father-in-law operated business illegally on property.
- Listen to beep-beep all the time.
- They have at least two big trucks whipping in and out.
- If you want to do a home business, there's lots of properties on Twp 510 for that.
- Opposed to the addition to the shop. Have always been opposed to the size.
- Rodney's family likes to break rules.

In response to questions by Board members, Mr. Schonewille advised of the following:



- Usually the non-compliance is happening outside of enforcement hours. Have called enforcement on the weekend and they were out west and couldn't get there in time.
- Would bet that every truck is over weight limit that comes onto that property.
- Do not have any other documents to provide to the Board. Could dig up past photos if necessary.

Chair McDonald noted there was no one else in attendance to speak to the appeal.

Chair McDonald asked the clerk to read/present any other relevant information and/or correspondence, and Ms. Gavan advised there was none.

Chair McDonald called upon administrative staff to provide final comments.

Charlene provided the following closing comments:

- In summary, the Development Authority would like the Board to consider the impact to the neighboring community.
- If addition approved, it only enhances the size of the building. Supplies are being used and stored in large shop.
- The current building is 100% being used for business.
- The landowner admitted that business supplies are stored onsite which will produce more traffic.
- If shop goes larger, there is no way of knowing if rules are being followed.
- The Development Authority recommends that the Board upholds the refusal.

Chair McDonald then called upon Rodney Prunica to make final comments.

Rodney Prunica provided the following closing comments:

- Do not agree with the "all night" accusations.
- Do not operate business during the evening.
- Do burn the birchwood on the property. Have burned leaves and grass.
- My Father-in-law passed away in 2000 so he could not have been operating business illegally on property.
- Currently storing boat, RV and eavestrough materials in shop.
- Did not haul in dirt; it was gravel.
- Current shop is approximately 2536 sq. ft. in size.
- Addition is mostly for father to come out and "putz" around. Would utilize lean-to for own use.

Chair McDonald asked appellant Rodney Prunica if he felt he received a fair hearing, and Mr. Prunica responded affirmatively, except for the accusations from the neighbor.

Mr. Schonewille expressed that he was mistaken about the comment regarding the father-in-law and apologized. Said he received the information third hand.

Conclusion of Public Hearing

Chair McDonald declared the hearing concluded at 9:56 a.m.



In-Camera

12-21 Board Member Giles -- that the Intermunicipal Subdivision and Development Appeal Board meet in-camera.

Carried

The in-camera session commenced at 10:02 a.m.

Revert to Intermunicipal Subdivision and Development Appeal Board Meeting

13-21 Board Member Giles -- that the in-camera session revert to the Intermunicipal Subdivision and Development Appeal Board meeting.

Carried

The in-camera session reverted to the Intermunicipal Subdivision and Development Appeal Board meeting at 10:28 a.m.

Appeal by Rodney Prunica relating to refusal by the development authority of Development Permit Application D21-037 for an addition to accessory building shop - 334.5 sq. m (3600 sq. ft.) located at Lot 15C, Block 2, Plan 9923254, SE 31-50-24-W4 (290 50512 Rge Rd 245, Edda Vista).

14-21 Board Member Rudiger -- that the Intermunicipal Subdivision and Development Appeal Board allows the appeal by Rodney Prunica and approves Development Permit Application D21-037 for an addition to accessory building shop - 334.5 sq. m (3600 sq. ft.) located at Lot 15C, Block 2, Plan 9923254, SE 31-50-24-W4 (290 50512 Rge Rd 245, Edda Vista).

Findings of Fact

1. The subject property is districted Country Residential (RC) in accordance with the Leduc County Land Use Bylaw. Section 9.3.3 lists accessory building > 85.0 sq. m (915 sq.ft.) as discretionary use. The subject site has an existing dwelling, shed and accessory building.
2. Development Permit D11-052 was approved in 2011 for the accessory building, which was considered a discretionary use within the Country Residential district. The application for the Type 2 Home Occupation (eavestroughing and carpet cleaning) was refused by the Development Authority but was subsequently conditionally approved by the Subdivision and Development Appeal Board for the operation of two (2) home occupations (Eavestroughing and carpet cleaning).
3. The appellant indicated they do not work on site and that the supplies for the eavestrough business (aluminum, down pipe, elbows) are delivered on site and stored within the existing accessory building. The carpet cleaning business does not have many materials stored on site and services are conducted at client's site.
4. The Development Authority indicated the existing approval in 2011 for Type 2 allowed for one commercial vehicle associated with each business, client visits and no outdoor storage, including but not limited to raw materials, finished products and unlicensed vehicles.
5. The Leduc County Land Use Bylaw has since been amended in 2016 and the Type 2 Home Occupation would be classified as Type 3 which does not meet the requirements within the Leduc County Land Use Bylaw as follows:
 - No operation of the business shall be operated outdoors



- Home Base Business Type 3 are not permitted within Country Residential districts
 - Be limited to a maximum two year approval period, subject to review through re-application prior to expiration
 - Not occupy more than 30% of the gross floor area of the principal dwelling or 50% of any accessory buildings
6. The appellant indicated the addition of the building is for personal use only consisting of the storage of his boat, 25 foot RV trailer, skid steer and the storage of light materials relating to the existing eavestrough business. Would also allow for his elderly dad to be able to come out and “putz” around doing his hobbies in the shop where he could be supervised.
 7. The Board heard the complaints from an adjacent landowner expressing non-compliance with outside burning, noise, hauling of dirt, vehicles speeding in and out of subject property; however this was unsubstantiated.
 8. There has been no citations brought forward with the existing building.

The Board considered the following legislation in making their decision:

Land Use Bylaw No. 7-08

The subject property is districted Country Residential (RC). The purpose of this district is to provide for residential development on larger acreage lots within multi-lot residential subdivisions on lands deemed relatively less viable for large agricultural operations. Such uses should have a low impact on adjacent lands.

In accordance with Part 3.5.2, when processing an application for a discretionary use, the development authority shall consider compatibility of the proposed development with surrounding lands in terms of function, form and scale.

7.19.1 a home based business shall not occupy more than 30% of the gross floor area of the principal dwelling or 50% of any accessory building.

7.19.3 a home base business type 2 shall:

(b) be associated with no more than once commercial vehicle parked and maintained on site

(f) limit client visits and vehicle traffic at the discretion of the development authority.

Part 9.3.3 discretionary uses, accessory building > 85.0 sq. m (915 sq.ft.)

Part 11 - Definitions

ACCESSORY DEVELOPMENT means a use or building that is incidental and subordinate to a principal use or principal building located on the same lot.

ACCESSORY BUILDING means, for the purpose of administering the provisions of Part Nine - District Regulations, a building that is incidental and subordinate to a principal use or principal building on the same lot and is more than 10.0 sq. m (107.6 sq.ft.) in area or 2 m (6.5 ft.) in height.

In conclusion, the Board is of the opinion to allow the appeal for the following reasons:

- The operation of the two (2) home occupations were conditionally approved in 2011 and meets the requirements of Home Occupation Type 2-3 in accordance with the Leduc County Land Use Bylaw.
- There have been complaints submitted to the County regarding outdoor activity conducted late into the evening hour, outdoor burning and vehicles associated with the home occupations however there have been no citations brought forward and the concerns brought forward at this hearing were unsubstantiated.
- In accordance with 3.5.2 of the Land Use Bylaw, the Board considered the compatibility of the proposed development with the surrounding lands in terms of function, form and scale and feel the addition to the accessory building shop is compatible with the area.
- The conditional approval will set the parameters for use of the approved accessory addition and provide an avenue for enforcement if required.

Conditions for Approval

In consideration of the above the Intermunicipal Subdivision and Development Appeal Board approves Development Permit Application D21-037, subject to the following conditions:

1. Approval is granted based on the information provided by the applicant for the approved development only and no other development.
2. The approved development shall be located as shown on the attached approved site plan. Any new approaches represented on the site plan are regarded as conceptual only and shall be applied for through a separate approval process.
3. The approved accessory addition shall be constructed and finished in a manner compatible with the existing building.
4. The approved accessory addition shall be free of rust and painted a single neutral colour or clad in siding compatible with the future dwelling.
5. The approved accessory addition shall not be used as a dwelling unless specifically approved as a dwelling by a separate development permit.
6. The approved accessory addition shall be used as a personal residential accessory building for the storage and maintenance of property belonging to the residents of the parcel and not for business purposes. At no time in the future, unless specifically permitted by the County, shall the addition be used for industrial or commercial purposes.
7. The approved Home Occupation D11-052 Type 2 shall not be permitted within the accessory addition.
8. The site shall be maintained in a neat and orderly manner including the containment of all construction materials and refuse, to the satisfaction of the Development Authority.
9. The applicant/landowner shall provide firefighting access at all times to the satisfaction of Leduc County Fire Services.
10. The approach must be maintained to avoid any damage to the County owned road surface due to construction activity. A post development inspection will be conducted and the applicant/land owner must rectify any damage to the approach or County roadway.
11. The movement of construction material onto the property may require the applicant to enter into a Road Use Agreement with the County. The applicant must contact Public Works and Engineering prior to the movement of construction material to discuss this requirement.
12. The development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities.
13. All new accesses, approaches or upgrades, including driveways required off of a Leduc County public roadway, as a result of the development shall first require an Access



Application to be provided to the satisfaction of, and approved by Leduc County Engineering & Utilities.

14. No further development, expansion or change in use is permitted unless approved by Leduc County.
15. The applicant shall contact Leduc County Engineering & Utilities Department at 780-979-6185 to obtain a road use agreement before bringing any additional soil, or other fill material, to the site.

Failure to comply with any of the preceding conditions will render this permit null and void.

The applicant is also advised of the following:

1. This Development Permit is issued under the LEDUC COUNTY LAND USE BYLAW 7-08. It does not exempt you from compliance with any other municipal Bylaw or statutory plan applicable to the Approved Development, any relevant federal and provincial statute or regulation, or any easement, covenant, agreement or contract affecting the subject lands.
2. The County administers the Safety Codes Act and you must obtain any Safety Codes (building, electrical, gas or plumbing) permit(s) required prior to commencing construction. Increased setback distances from property lines, and/or modifications to plans for proposed buildings may be required in order to achieve compliance under the Alberta Safety Codes Act.
3. To contact Leduc Public Works & Engineering at 780-979-6185 regarding approach approvals and Road Use Agreements as required.
4. To contact Leduc County Fire Services at 780-955-7099 regarding compliance with the Alberta Fire Code.
5. Please be advised that this development may initiate inspections from the Assessment Department. If you would like to schedule an appointment or have questions, please contact the Assessment Department at 780-955-6412.

Carried

Next Meeting

The next scheduled Intermunicipal Subdivision and Development Appeal Board meeting will be held on Thursday, April 29, 2021 at 9:00 a.m.

Adjournment

15-21 Board Member Laing -- that the Intermunicipal Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Intermunicipal Subdivision and Development Appeal Board meeting concluded at 10:31 a.m.



Chair



Clerk