

REPORT TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Appeal Received: July 13, 2021	File: SDAB2021 – 07.13 Development Permit: T00083-21D
Appeal By: Localis Planning and Local Government Services on behalf of the Property Owner	
Regarding a Decision of the Development Authority: Conditions applied to Notice of Decision Property: 315 3 Avenue East Date of Decision: June 22, 2021	Land Use Designation: ND – Neighbourhood District Permitted
Hearing Date: Thursday July 29 th , 2021, 2:00pm	Location: Virtual Meeting: Zoom Platform + Live Stream Drumheller Valley YouTube

Parties are asked to submit additional evidence and / or exhibits by Tuesday July 27 4:00pm.

[REDACTED]

[REDACTED]

July 13, 2021

Secretary
Subdivision and Development Appeal Board
c/o Town of Drumheller
224 Centre Street
Drumheller, AB T0J 0Y4

Subject: Notice of Appeal – Development Permit No. T00083-21D

On behalf of my client, Darwin K. Durnie, I hereby give notice of appeal of Development Permit No. T00083-21D affecting the property municipally described as 315 3 Avenue East, in accordance with Section 685(1)(b) and Section 685(3) of the Municipal Government Act and Section 5.17 of Land Use Bylaw 16.20.

The grounds for the appeal, submitted without prejudice and subject to amendment or addition at the hearing, are as follows:

1. The Land Use Bylaw has been misinterpreted and Conditions 2, 3, 10, 11, 12 and 13 are not authorized by Section 5.14 of Land Use Bylaw 16.20.
2. Condition “e.”, invalidating the permit should an appeal be made against the decision, is not authorized by the Municipal Government Act and is contrary to the principles of due process, especially as this permit is for a permitted use.

Sincerely,



Albert Frootman, RPP, MCIP
Principal



APPLICANT INFORMATION

LOCALIS PLANNING c/o Albert Frootman



**Development Permit
Notice of Decision**

Permit No.: 532532-21-D0083

File Number: T00083-21D

Application Date: Jun 11, 2021

End of Appeal Period Date: Jun 22, 2021

PROPERTY ADDRESS

315 3 AVENUE EAST

DRUMHELLER

L:1,2 B:15 P:2089BN

Application Complete Date: Jun 22, 2021

Decision Date: Jun 22, 2021

End of Appeal Period Date: Jun 22, 2021

Decision: Other – Occupancy for Tourist Dwelling
Approved With Conditions

Development Officer

Development Officer: Darryl Drohomerski, C.E.T.

CONDITIONS

1. Must conform to the Town of Drumheller Land Use Bylaw 16.20
2. Must conform to the Town of Drumheller Community Standards Bylaw 06.19
3. Annual Business License is required
4. Tourist Dwelling means a single dwelling unit: occupied by guests for a temporary period less than 28 days; contains sleeping and sanitary facilities and may contain cooking or eating facilities; occupied by a single party at any given time; maximum occupancy to be limited by the number of rooms available.
5. If the holder of the permit wishes to make any change in the conduct of the business that departs from the description in the application or from any other condition or restrictions imposed, the holder of the permit must obtain prior permission of the Development Authority.
6. A Tourist Dwelling shall not have signage associated with the use.

7. An owner or manager shall be available within the Town of Drumheller at all times when the Tourist Dwelling is being used.
8. The owner or manager shall maintain garbage to the satisfaction of the Development Authority.
9. Tourist Dwellings shall not cause or create nuisance factors that extend beyond what is normal and incidental to residential uses.
10. The site and buildings, structures and improvements shall be maintained in a clean, neat, tidy and attractive condition and free from all rubbish and debris.
11. Development to conform to any/all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.
12. Prior to commencement of occupancy and business activities, confirmation must be provided to the Development Officer from the Local Fire Authority and Health Authority that building is occupiable for such purposes.
13. The development shall be revocable at any time, if the use is or has become detrimental to the amenities of the neighbourhood.

DEVELOPMENT PERMIT

This permit is issued subject to the following conditions:

- a. That the development or construction of the said land(s) will not begin until after the **End of Appeal Period Date**.
- b. That the development or construction shall comply with the conditions of the decision herein contained or attached.
- c. That the development or construction will be carried out in accordance with the approved plans and application.
- d. Should you wish to appeal this decision, an appeal may be made to the Secretary of the Development Appeal Board within **21 days of the Decision Date**.
- e. That this permit shall be invalid should an appeal be made against the decision. Should the Development Appeal Board approve this issue of this permit, this permit shall be valid from the date of decision and in accordance with the conditions of the Development Appeal Board.

APPLICATION FOR DEVELOPMENT PERMIT

DEVELOPMENT ☐ Entered ☐ Uploaded ☐
 Advertised ☐ Agency ☐

Town of Drumheller
 224 Centre Street
 Drumheller, AB T0J 0Y4
 E-mail: development@drumheller.ca
 Tel: 403-823-1310

RECEIVED JUN 11 2021

I/We hereby make application for a development permit under the provisions of the Land Use Bylaw for the Town of Drumheller in accordance with the plans and supporting information submitted herewith which form part of this application. Personal Information is being collected for the purpose of "Development Control, Land Use Planning and Safety Codes Permits" pursuant to the provisions of the Municipal Government Act and its regulations, and pursuant to Section 32(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of your personal information, you may contact the F.O.I.P. Coordinator at (403) 823-1339.

APPLICANT: Localis Planning/Albert Fl

PHONE NO.: [REDACTED]

MAILING ADDRESS: [REDACTED]

POSTAL CODE: [REDACTED]

PROPERTY OWNER: Darwin K. Durnie

PHONE NO.: [REDACTED]

MAILING ADDRESS: [REDACTED]

POSTAL CODE: [REDACTED]

EMAIL OF APPLICANT: [REDACTED]

CONTRACTOR (if applicable): _____

LOCATION OF PROPOSED DEVELOPMENT:

AREA/SUBDIVISION: _____ CIVIC ADDRESS: 315 3 Avenue East

LEGAL DESCRIPTION: Lot(s): 1,2 Block: 15 Plan 2089BA Sec. _____ Twp. _____ Rng. _____ W4th _____

EXISTING USE OF PROPERTY: Residential

ZONING: ND - Neighbourhood District

DEVELOPMENT DETAILS:

Establishment of a Tourist Dwelling in an existing residence, constructed about 1933. Detached garage constructed about 1946. No apparent additions to either building since original construction. No exterior or interior alterations are contemplated with this change of use.

The garage provides 2 parking spaces. Guest parking intended to be directed to flanking street (3 Street) or 3 Avenue adjacent to the house if required.

SETBACKS OF DEVELOPMENT (DISTANCE FROM PROPERTY LINES):

FRONT: est. 13m REAR: est. 13m RIGHT: est. 3.2m LEFT: est. 1.2m

COST OF DEVELOPMENT: n/a EST. COMMENCEMENT DATE: July 2021

OTHER SUPPORTING MATERIAL ATTACHED REGARDING DEVELOPMENT:

- | | | |
|--|--|---------------------------------------|
| <input checked="" type="checkbox"/> SITE PLAN (WITH DIMENSIONS AND | <input type="checkbox"/> EXTERIOR FINISHING WITH PROFILE | <input type="checkbox"/> PARKING PLAN |
| <input type="checkbox"/> PROPERTY LINES) PLAN/DRAWINGS | <input type="checkbox"/> LETTER OF INTENT | <input type="checkbox"/> OTHER: _____ |
| <input type="checkbox"/> (BUILDING) FLOOR PLAN | <input type="checkbox"/> ELEVATIONS | |

NOTE: PLEASE BE AWARE THE COMPLETION OF THIS FORM DOES NOT DEEM THE APPLICATION COMPLETE. THIS IS NOT A BUILDING PERMIT (Such permit must be obtained separately). The applicant is not excused from complying with the requirements of any federal, provincial or other municipal legislation, or the conditions of any easement, covenant, building scheme or agreement affecting the building or land.

APPLICANT SIGNATURE: [Signature] DATE: June 11, 2021

PROPERTY OWNERS SIGNATURE: [Signature] DATE: [Signature]

(For office use only)

PERMIT FEE: \$65.00

PAYMENT TYPE: [REDACTED]

RECEIPT #: [REDACTED]

PERMIT NO.: [REDACTED]

RECEIVED BY: Antonia

DEVELOPMENT PERMIT
 T00083-21D

PAID JUN 14 2021

PUBLIC HEARING NOTICE
NOTICE OF APPEAL - SUBDIVISION AND DEVELOPMENT APPEAL BOARD

PURPOSE: A notice of appeal has been made to the Subdivision and Development Appeal Board against the notice of decision for Development Permit Application T00083-21D.

APPELLANT: Localis Planning & Local Government Services

PROPERTY: 315 – 3 Avenue East, Drumheller

L: 1,2; B: 15; P: 2089BN

GROUND FOR APPEAL:

1. The Land Use Bylaw has been misinterpreted and Conditions 2, 3, 10, 11, 12 and 13 are not authorized by Section 5.14 Land Use Bylaw 16.20.

Notice of Decision Conditions:

2. Must conform to the Town of Drumheller Community Standards Bylaw 06.19
 3. Annual Business License is required.
 10. The site and buildings, structures and improvements shall be maintained in a clean, neat, tidy and attractive condition and free from all rubbish and debris.
 11. Development to conform to any/all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.
 12. Prior to commencement of occupancy and business activities, confirmation must be provided to the Development Officer from the Local Fire Authority and Health Authority that building is occupiable for such purposes
 13. The development shall be revocable at any time, if the use is or has become detrimental to the amenities of the neighbourhood.
2. Condition “e”, invalidating the permit should an appeal be made against the decision, is not authorized by the Municipal Government Act and is contrary to the principles of due process, especially as this permit is for a permitted use.

Notice of Decision Condition:

- e. That this permit shall be invalid should an appeal be made against the decision. Should the Development Appeal Board approve this issue of this permit, this permit shall be valid from the date of decision and in accordance with the conditions of the Development Appeal Board.

Documents referenced in this notice can be viewed on the Town of Drumheller website;
<https://drumheller.civicweb.net/filepro/documents/39062>

Any person affected by this appeal and wishing to address the Subdivision and Development Appeal Board relating to this matter shall contact Denise Lines at dlines@drumheller.ca or 403-823-1339 to make arrangements to attend the remote virtual Public Hearing on **Thursday July 29, 2021 beginning at 2:00pm**. A link to a live stream of the Public Hearing will be available on the Town of Drumheller website at www.drumheller.ca.

Persons wishing to submit a written brief concerning these matters in advance of the Public Hearing may do so by mail or dropping off submissions to: Subdivision and Development Appeal Board, Town of Drumheller 224 Centre Street, Drumheller, Alberta T0J 0Y4 or email at dlines@drumheller.ca. Written submissions will be received up to **Tuesday July 27, 2021, at 4:00 p.m.**

First Publication: Wednesday July 21, 2021 / Second Publication: Wednesday July 28, 2021