

**FOOTHILLS COUNTY**

309 Macleod Trail, Box 5605

High River, Alberta T1V 1M7

Phone: 403-652-2341

Fax: 403-652-7880

[www.FoothillsCountyAB.ca](http://www.FoothillsCountyAB.ca)[planning@foothillscountyab.ca](mailto:planning@foothillscountyab.ca)

December 17, 2025

«MailName»

«AddLine1»

«AddLine2» «AddLine3»

«City», «Prov» «Postal»

Dear Sir/Madam:

TAKE NOTICE that, in accordance with Land Use Bylaw No. 60/2014, a Development Permit application has been approved subject to conditions (attached) and a 21-day appeal period, for a parcel of land that is located adjacent to your property. The details of the Development Permit application are as follows:

<b>Development Permit Application File#:</b>	<b>25D 313</b>
<b>Legal Description:</b>	<b>Ptn. SW 06-22-28 W4M; Plan 2010725, Block 5, Lot 1</b>
<b>Approval Description:</b>	<b>Relaxation of Setbacks for Existing Accessory Building on CR-A Lot</b>
<b>Applicant/Owner</b>	<b>Mark &amp; Ioana Brenner (Owner)</b>
<b>Location:</b>	<b>Located on the north side of Dunbow Road E, approximately 480m east of 80 Street E</b>

Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal. Notices of Appeal, including payment of the appeal fee are to be filed with the Subdivision and Development Appeal Board within 21 days from the date of the development permit decision (attached). Notices of Appeal and payment of the appeal fee are to be received **no later than January 8, 2026**. Notices of Appeal received after the 21-day notification period will be invalid.

The form required for the Notice of Development Appeal is available on the Foothills County website. To access the form, please visit the following link: <https://www.foothillscountyab.ca/resources/notice-development-appeal>. For further assistance or if you would like us to email you the form, please contact our Planning and Development Department at **403-652-2341** or via email at [Planning@FoothillsCountyAB.ca](mailto:Planning@FoothillsCountyAB.ca).

You should not rely on Notices of Appeal filed by other persons as giving you the right to be heard at an appeal hearing, as only the appellant, applicant or authorized representative of either party is guaranteed the opportunity to be heard at an appeal hearing. If you choose to submit an appeal, please complete the '**Notice of Development Appeal**' form found on our website and return the completed form with payment of the required appeal fee to the Subdivision and Development Appeal Board Clerk by email at [appeals@FoothillsCountyAB.ca](mailto:appeals@FoothillsCountyAB.ca) or by fax at 403-652-7880.

The appeal fee will be returned 2 to 3 weeks after the appeal hearing if there is record that the appellant or someone authorized to act on behalf of the appellant was in attendance at the time of the scheduled appeal hearing.

Should you have any questions, concerns, or require clarification on the appeal process, please contact the undersigned.

**NOTE: APPEAL SUBMISSION REQUIREMENTS ARE OUTLINED ON THE  
'NOTICE OF DEVELOPMENT APPEAL' FORM**

Yours truly,  
FOOTHILLS COUNTY

Original Signed By 

Brittany Smith  
Development Officer  
[Brittany.Smith@foothillscountyab.ca](mailto:Brittany.Smith@foothillscountyab.ca)  
(403) 603-6257

BS/hd  
Encl. – Development Authority Decision



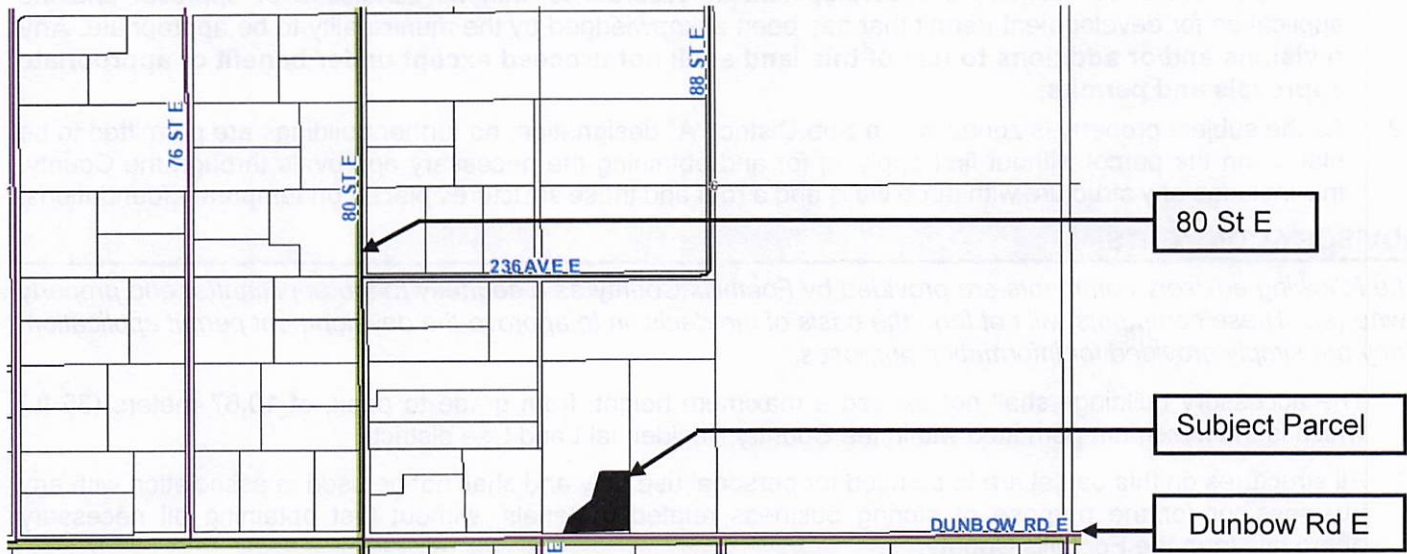


DEVELOPMENT AUTHORITY DECISION

DATE OF DECISION: December 17, 2025

DEVELOPMENT PERMIT APPLICATION FILE NUMBER: 25D 313  
LANDOWNER(S): MARK & IOANA BRENNER  
PROPOSAL DESCRIPTION: RELAXATION OF SETBACKS FOR EXISTING ACCESSORY BUILDING ON A CR-A LOT  
LEGAL DESCRIPTION: PTN. SW 06-22-28 W4M; PLAN 2010725, BLOCK 5, LOT 1

LOCATION: The subject property is an existing 3.26-acre Country Residential Sub-district "A" parcel, located on the north side of Dunbow Road E, approximately 480m east of 80 St E.



INTENT OF APPLICATION:

The applicant has submitted a Development Permit application to allow for a relaxation of setbacks for an existing +/- 372 sq. ft. detached accessory building that does not meet setback distances from the west property line and requires the following relaxation:

- The existing +/- 372 sq. ft. detached accessory building is 6.5m from the west property line at its nearest point, where it is required to be setback a minimum of 15.0 m. Therefore, the applicant is seeking a 8.5m or 56.67% relaxation.

Previous Development Permit 25D 141 granted a relaxation to allow this structure to be 8.5m from the west property line, however, due to an error by the applicant the building was is closer than was previously approved for and now requires a new relaxation of setbacks which is considered under a discretionary use development permit.

Additionally, an existing 283.8 sq. ft. chicken coop exists too close to the property line along the north of the property. The applicant has expressed they agree to move this structure to meet setback distances.

Section 5.6.2 of the Land Use Bylaw 60/2014 identifies that on Country Residential properties; it is within the discretion of the Development officer to allow for a maximum 90% variance for required setbacks with respect to existing development.

At the time of subdivision approval for this property, the Foothills County Council designated the subject property as Country Residential Sub-district "A" to ensure that the recommendations and restrictions as outlined in the Building Envelope, High Water Table Testing, and Septic Disposal Evaluation (all provided as conditions of development permit) are complied with to the satisfaction of the Public Works department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met and a \$5,000 deposit as a pre-release condition to ensure compliance with all conditions of the development permit will be required.

A \$5,000 refundable compliance deposit has been provided by the landowner as a condition of Development Permit 25D 141 for development of the Dwelling, Single Family with Attached Garage(s) and Secondary Suite, Principal to ensure adherence to this requirement which may be reimbursed back to the landowner at time of completion of both developments.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect to the relaxation of setbacks for an existing accessory building on the subject parcel, being Portion of SW 06-22-28 W5M; Plan 2010725, Block 5, Lot 1, has been considered by the Development Officer and is **APPROVED** subject to the following:

APPROVAL DESCRIPTION:

Upon completion of the pre-release conditions, this approval allows for the following in accordance with the submitted and accepted Development Permit application as accepted by the County.

- The existing Detached Accessory Building (+/- 372 sq.ft) may remain located no closer than 6.5m from the west property line.

*This approval replaces the previously granted relaxation of setbacks granted for this structure under 25D 141.*



## **PRE-RELEASE CONDITION(S):**

*Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before **May 17, 2026** will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).*

1. The existing Chicken Coop (283.8 sq. ft) shall be moved to meet all required setback distances as per the County's Land Use Bylaw 60/2014.

## **CONDITIONS OF APPROVAL:**

*Please note that the following requirements must be completed within the twenty-four (24) month completion period for this Development Permit, unless a time extension is issued under agreement between the Development Authority and the Applicant(s). **Failure to complete and/or comply with the conditions of approval will see the Development Permit deemed null and void.***

1. The applicant shall maintain the development in accordance with all conditions of approval and the application for development permit that has been acknowledged by the municipality to be appropriate. **Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals and permits;**
2. As the subject property is zoned with a Sub-District "A" designation, no further buildings are permitted to be placed on the parcel without first applying for and obtaining the necessary approvals through the County, this includes any structure with three walls and a roof and those structures placed on temporary foundations.

## **ADVISORY COMMENTS:**

*The following advisory comments are provided by Foothills County as a courtesy to the applicant(s) and property owner(s). These comments will not form the basis of the decision to approve the development permit application. They are simply provided for information purposes.*

1. The accessory buildings shall not exceed a maximum height, from grade to peak, of 10.67 meters (35 ft.) which is the maximum permitted within the Country Residential Land Use district;
2. All structures on this parcel are to be used for personal use only and shall not be used in association with any business, or for the purpose of storing business related materials, without first obtaining all necessary approvals from the Foothills County;
3. No portion of the accessory buildings shall be used as a secondary dwelling unit without first obtaining all necessary approvals from the Foothills County;
4. Future development must meet the County's Minimum Setback Requirements or apply for and be granted a relaxation of setbacks.
5. Development on the property shall at all times comply with the requirements of the Building, Plumbing, Electrical, Safety, and Fire Codes;
6. Natural drainage of the property must be maintained. Alteration to natural drainage may only proceed only under the authorization of an approved Development Permit for Lot Grading permit, or as acknowledged within the required Site Drainage and/or Lot Grading Plan;
7. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
8. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
9. The applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit;

## **NOTES:**

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development must not proceed until this permit has been signed and issued.
3. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal.
4. Notification of this Development Permit Decision will be advertised in two issues of the Western Wheel and circulated to landowners (according to County Records at this time) adjacent to the subject parcel. Development Permit Notices can also be viewed on our website, [www.foothillscountyab.ca](http://www.foothillscountyab.ca).
5. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
6. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.



Notice of Appeal

Subdivision and Development Appeal Board (SDAB)  
Foothills County [www.foothillscountyab.ca](http://www.foothillscountyab.ca)

309 Macleod Trail, Box 5605, High River, AB T1V 1M7 • Tel: 403-652-2341 Fax: 403-652-7880

<b>APPELLANT INFORMATION</b> (e.g. Landowner or Affected Party)			
Name of Appellant(s)			
Mailing Address		Province	Postal Code
Main Phone #		Alternate Phone #	
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
<b>AGENT INFORMATION &amp; CERTIFICATION</b> (complete section if applicable)			
Name of Organization:			
Contact Name:			
Mailing Address		Province	Postal Code
Main Phone #			
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
I (We)_____hereby authorize _____ to act on my (our) behalf on matters pertaining to this appeal.			
_____ Signature of Appellant(s)		_____ Date	_____ Signature of Appellant(s)
_____ Date		_____ Date	
<b>SITE INFORMATION</b>			
Municipal Address (house and street number):			
Legal Land Description: Quarter-Section	Plan Township	Block Range	Lot Meridian

<b>I AM APPEALING</b> (check only one)		
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Development Permit #</u>  Date of Decision: (Y/M/D) _____	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Subdivision Application #</u>  Date of Decision: (Y/M/D) _____	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order <u>Enforcement Order #</u>  Date of Decision: (Y/M/D) _____
<b>REASON FOR APPEAL</b> (attach separate page(s) if required)		
All appeals should contain the reasons for the appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.		



Submitting an Appeal – Subdivision Authority Decisions

Appeals of decisions on subdivision applications are covered by [sections 678 to 682 of the Municipal Government Act](#).

A decision on an application for subdivision may be appealed by the applicant, by a Government department (if that department is required to be circulated on the application) or by the School Authority (with respect to matters related to municipal reserve or school reserve lands).

Appeals must be made by filing a notice of appeal within **14 days** of receipt of the decision with either the local Subdivision and Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears subdivision appeals where there is a provincial interest. Otherwise, the appeals are heard by the local SDAB.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- within Alberta’s "Green Area"
- ‘adjacent’ to or contains a body of water
  - adjacent means contiguous or would be contiguous if not for a railway, road, utility right of way or reserve land
- adjacent to or contains (either partially or wholly) land identified on the Listing of Historic Resources or public land set aside for use as historic resource
- the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- the subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas
- within the following distances:
  - 1600 metres of a provincial highway
  - 450 metres of a hazardous waste management facility
  - 450 metres of the working area of an operating landfill
  - 300 metres of the disposal area of any landfill
  - 300 metres of a wastewater treatment plant
  - 300 metres of the working area of a non-hazardous waste storage site

*Some of the distances may be varied in writing by a provincial government department, in which case the SDAB will hear the appeal.*

Submitting an Appeal – Development Authority Decisions

Appeal of development authority decisions are covered by [Sections 684 to 687 of the Municipal Government Act](#).

A decision on an application for development may be appealed by the person applying for the permit or by any person affected by an order, decision or development permit made or issued by a development authority.

An order issued under a decision of Enforcement Services, being a Stop Order or Compliance Order, may be appealed by the person affected by the order.

Appeals must be made by filing a notice of appeal within **21 Days** after the date on which the written decision is given with either the local Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears development appeals where there is a provincial interest. Otherwise, the appeals are heard by the local Subdivision and Development Appeal Board.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- The subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- The subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas

THE APPEAL FEE MUST ACCOMPANY THE NOTICE OF APPEAL FORM

*\*Appeal fees are set in the County’s Fee Bylaw, which is generally reviewed and amended annually.*

Appeal Type	Fee
Development Authority Decision (fee refunded if appellant appears before the Subdivision and Development Appeal Board)	\$100
Development Authority Decision – Automatic Refusal	\$575
Stop Order	\$575
Subdivision Authority Decision (paid at time of subdivision application and used as a credit on endorsement fees except where the owner/agent appeals the subdivision decision or a condition of the subdivision)	\$2,000

## How to submit your appeal and pay your fee

Completed Notice of Appeal forms may be submitted by mail, in person or by email. Your Notice of Appeal must be received on or before the final appeal deadline and must include the applicable fees as outlined above.

*Mail or deliver to:*

SDAB Clerk, Foothills County  
Box 5605, 309 Macleod Tr. S., High River, AB T1V 1M7

*Email to:*

[appeals@foothillscountyab.ca](mailto:appeals@foothillscountyab.ca)

Please make cheques payable to "Foothills County"

To pay by Credit Card, please use the Credit Card Authorization section found on page 2 of the Notice of Appeal Form.

**\*\*NOTE FOR EMAIL SUBMISSIONS ONLY: IF YOU DO NOT RECEIVE AN EMAIL CONFIRMATION NOTIFYING YOU OF RECEIPT OF YOUR APPEAL, PLEASE CONTACT THE SDAB CLERK IMMEDIATELY\*\***

## What happens after my appeal is submitted?

Once your completed Notice of Appeal form is submitted on time and with the required fee, the appeal will be heard by the SDAB within 30 days. The SDAB Clerk will provide you with additional information regarding the appeal hearing.

If the appeal is against the decision of a Subdivision Authority, notice will be sent to you and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to you and to landowners located within the half mile surrounding the subject property.

## More information

For more information about filing an appeal or SDAB procedures, please contact the SDAB Clerk at:

Phone: 403-652-2341

Email: [appeals@FoothillsCountyAB.ca](mailto:appeals@FoothillsCountyAB.ca)