

**FOOTHILLS COUNTY**

309 Macleod Trail, Box 5605

High River, Alberta T1V 1M7

Phone: 403-652-2341

Fax: 403-652-7880

www.FoothillsCountyAB.caplanning@foothillscountyab.ca

February 25, 2026

«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 within one half mile of your property. The details of the Development Permit application are as follows:

Development Permit Application File#: 26D 010

Legal Description: SW 35-21-1 W5M; Plan 1711526, Block 3, Lot 16

Approval Description: Dwelling, Single Family with Attached Oversized Garage on a Country Residential Sub-District "A" Lot

Applicant/Owner VM Designs Ltd.(Applicant) / Mihirbhai & Mona Shah (Owner)

Location: Located on 100 Hamilton Heights Mews, it is approximately 200 m east of Highway 552 W and approximately 400 m south of 250 Ave W.

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 March 19, 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.

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 or by fax at 403-652-7880.

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...

Pierre-David Karolyi
Development Officer
pierre-david.karolyi@foothillscountyab.ca
(403) 603-6310

PK/as
Encl. – Development Authority Decision



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: February 25, 2026

THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

DEVELOPMENT APPLICATION FILE NUMBER: 26D 010

LANDOWNER(S): MIHIRBHAI & MONA SHAH

APPLICANT: VM DESIGNS LTD.

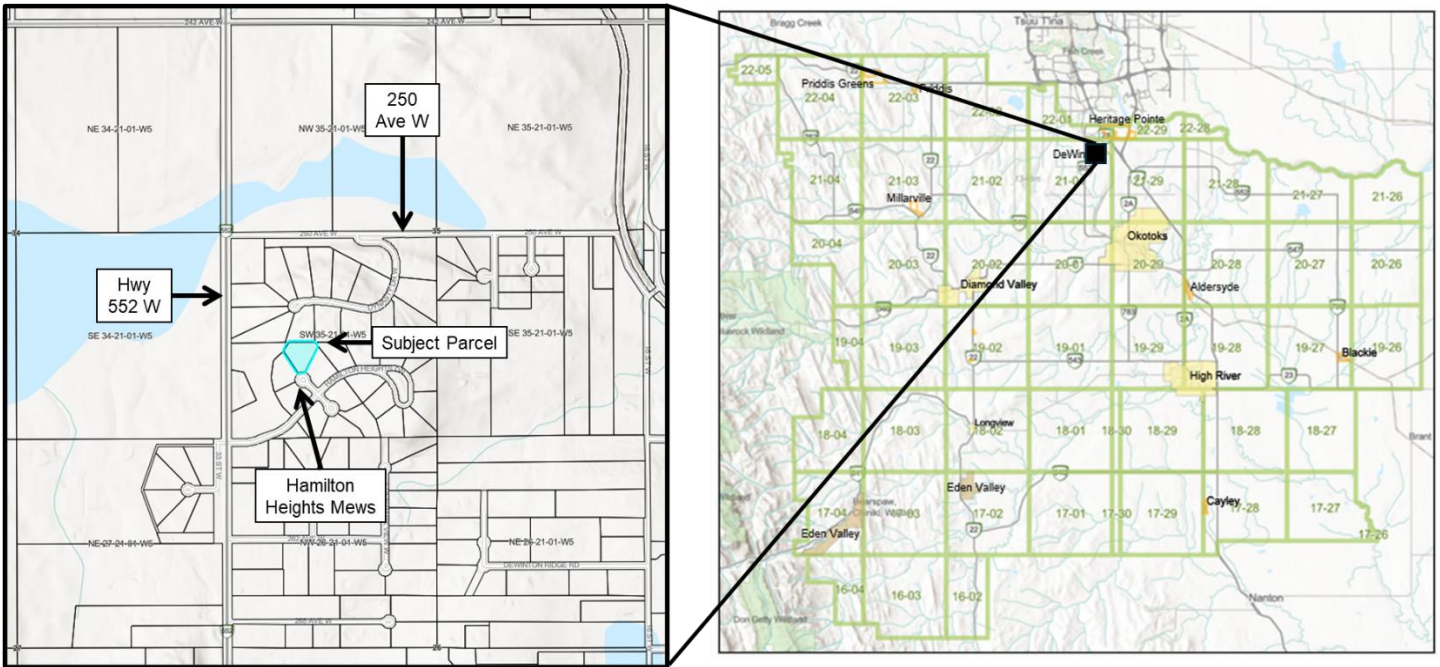
PROPOSAL DESCRIPTION: DWELLING, SINGLE FAMILY WITH AN OVERSIZED ATTACHED GARAGE ON A COUNTRY RESIDENTIAL SUB-DISTRICT 'A' LOT

LEGAL DESCRIPTION: PLAN 1711526 BLOCK 3 LOT 16; PTN. SW 35-21-01 W5

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is a 2.50-acre Country Residential Sub-district 'A' parcel, located on 100 Hamilton Heights Mews. It is approximately 200 m east of Highway 552 W and approximately 400 m south of 250 Ave W.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for a Development Permit has been submitted to allow for the construction of a Single-Family Dwelling with an Oversized Attached Garage on the subject property.

At the time of subdivision approval for this property, the Foothills Council designated the subject property as Country Residential Sub-district 'A' to ensure that all recommendations and restrictions as noted within the Septic Disposal Evaluation, High Water Table Testing, Building Locations, Storm Water Management Plan, Lot Grading Plan, Geotechnical Report, Comprehensive Site Drainage Plan and Slope Stability Testing are adhered to through issuance of a Development Permit.

On a Country Residential District property, permanent dwellings are permitted private garage space (attached or detached) having a maximum size of up to 1,200 sq. ft. This application proposes one attached garage having an area of +/- 1,277 sq. ft.

As the size of the proposed garage will be greater than what is permitted for a property of this size, an application for a Development Permit must be considered as a Discretionary Use under the Country Residential Land Use District; therefore, decisions on applications for a Development Permit for this use are to the discretion of the Development Officer, and are subject to a 21 day appeal period.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of Single-Family Dwelling with an Oversized Attached Garage on the subject parcel being a portion of SW 35-21-01 W5M; Plan 1711526, Block 3, Lot 16 has been considered by the Development Officer and is **APPROVED** subject to the following:

APPROVAL DESCRIPTION:

This approval allows for the development and use of Plan 1711526 Block 3 Lot 16; Ptn. SW 35-21-01 W5; The construction of a Single Family Dwelling and Oversized Attached Garage (+/- 1,277 sq.ft.) as proposed and shall be located as to adhere to all applicable property line setbacks and the approved Building Envelope and in accordance with the submitted and accepted Development Permit application and plans as acknowledged as acceptable by the Development Authority.

PRE-RELEASE CONDITION

*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 **April 18th, 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 applicant shall submit a compliance deposit in the amount of \$5,000.00. This deposit will be refunded at such time that the involved professional(s) provide written verification that all aspects of the noted reports and accepted plans have been satisfied, and that the project has been completed.

CONDITIONS OF APPROVAL:

*The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). **Failure to complete the conditions of approval will see the Development Permit be deemed null and void.***

1. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. **Any revisions and/or additions to the use of this land shall not proceed unless appropriate approvals and permits have been obtained;**
2. The applicants shall obtain any necessary building and safety code permits and inspections from the County to the discretion of the Safety Codes Officer. The development is required to illustrate compliance with the requirements of the Alberta Building, Plumbing, Electrical, and Fire Codes at all times.
3. It is the landowner's responsibility to ensure that all considerations and recommendations are adhered to as identified within the following accepted documents:
 - a. Private Sewage (PSTS) Assessment by Osprey Engineering Inc., signed on February 24, 2016, by Michael A. Kitchen, P.Eng.;
 - b. Stormwater Management Plan by Osprey Engineering Inc., signed on February 24, 2016, by Michael A. Kitchen, P.Eng.
4. Prior to the County acknowledging completion of the development, the applicant shall obtain a letter from a designated professional confirming the development adheres to all comments and recommendations as provided within the following accepted document:
 - a. Stormwater Management Plan by Osprey Engineering Inc., signed on February 24, 2016, by Michael A. Kitchen, P.Eng.
5. The applicants shall provide written notification to the Development Authority upon completion of the development, as approved herein;

ADVISORY COMMENTS:

The following advisory comments are provided by Foothills County as a courtesy to the applicant(s) and property owner(s). They are provided for information purposes and are intended to advise the applicant(s) and landowner(s) of their responsibility and liability regarding requirements that must be adhered to.

1. All retaining walls in excess of 1.0m in height require design by a professional engineer;
2. Development on the property shall at all times comply with the requirements of the applicable Building and Safety Codes;
3. The dwelling and attached garage must not exceed the maximum height of 12 metres (39.37 ft.), which is the maximum permitted within the County Residential Land Use District;
4. Emergency address signage shall be installed and maintained, to the satisfaction of the County's Emergency Services;
5. No portion of the Dwelling, Attached Garage shall be used for the purpose of any business-related uses, nor shall any portion be used as a secondary dwelling unit without first obtaining any necessary approvals from the Foothills County;
6. No topsoil shall be removed from the subject lands. When relocating or placing materials and conducting development on the land, the applicant shall ensure that measures are taken to contain those materials and mitigate effects with respect to dust, erosion, runoff, and weeds. Natural drainage of the parcel must be maintained. Except as acknowledged within the accepted *Stormwater Management Plan*, alteration to natural drainage may proceed only under the authorization of an approved Development Permit for Lot Grading;
7. All exterior lighting applications must adhere to the guidelines and technical specifications as outlined within the Foothills Dark Sky Bylaw, which requires outdoor lights to be fully shielded, energy-efficient, and directed downward to minimize glare, light trespass, and sky glow;
8. All structures shall be located as to adhere to Municipal setback requirements from the boundaries of the legally titled property, as illustrated within the accepted site plan. No variance for yard setbacks has been considered under this approval;
9. 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;
10. 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 can 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(1) and 685(3) of the Municipal Government Act, a person affected by this decision has a right of appeal.
4. 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.
5. 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

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

APPELLANT INFORMATION (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:		

AGENT INFORMATION & CERTIFICATION (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

SITE INFORMATION			
Municipal Address (house and street number):			
Legal Land Description:	Plan	Block	Lot
Quarter-Section	Township	Range	Meridian

I AM APPEALING (check only one)		
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Development Permit #</u> Date of Decision: (Y/M/D) _____	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Subdivision Application #</u> Date of Decision: (Y/M/D) _____	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order <u>Enforcement Order #</u> Date of Decision: (Y/M/D) _____

REASON FOR APPEAL (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.

TURN OVER AND COMPLETE REVERSE SIDE

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.***

Subdivision and Development Appeal Board Hearing and Requests	Fee
Requests to Adjourn, Postpone or Recess a Subdivision and Development Appeal Board Hearing	\$500
Appeal fee for all appeals to a Development Officers decision	\$100
Appeal fee for all Development Appeals when the application is not within the Development Officers discretion	\$575
Appeal fee for Appeal of a Stop Order	\$575
Appeal fee for Appeal of a Subdivision Authority decision* *Paid at the time of subdivision application and credited to endorsement fee if no appeal is filed	\$2,000
Appeal fee for Appeal of a Compliance Order issued as per Sections 545 and 546 of the Municipal Government Act	\$575

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

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