

**FOOTHILLS COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Development Appeal Board Decision**

HEARING DATE: JULY 23, 2026

BOARD ORDER: D19/2026

APPELLANT/LANDOWNER/APPLICANT: ERICH GLASL

APPEAL AGAINST: THE AUTOMATIC REFUSAL OF DEVELOPMENT PERMIT 26D 149 FOR AN OVERSIZED ACCESSORY BUILDING WITH A RELAXATION OF SETBACKS

SUBJECT PROPERTY: PLAN 9312546, LOT 4; PTN. NW 02-20-03 W5M

BEFORE: CHAIRMAN G. BEACOM; BOARD MEMBERS R. SIEWERT, D. LARSON, B. MEYERS, D. MCDONALD, AND RECORDING SECRETARY G. STANLEY

DECISION

Having been satisfied that notice of this hearing was provided in accordance with the Municipal Government Act, R.S.A. 2000, Chapter M-26;

And upon having read the materials provided, and upon having heard the representations from the Appellant/Applicant/Landowner and the Development Authority for Foothills County and the affected party with respect to the appeal filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the refusal of Development Permit 26D 149 for an Oversized Accessory Building with a Relaxation of Setbacks on Plan 9312546, Lot 4; Ptn. NW 02-20-03 W5M (The "Property").

The Subdivision and Development Appeal Board for Foothills County (the "Board") has decided to:

ALLOW the appeal and OVERTURN the Development Authority's decision for automatic refusal of Development Permit 26D 149 for an Oversized Accessory Building with a Relaxation of Setbacks on Plan 9312546, Lot 4; Ptn. NW 02-20-03 W5M.

The application is thereby APPROVED.

APPROVAL DESCRIPTION:

This approval allows for the development and use of Plan 9312546, Lot 4; NW 02-20-03 W5M for:

- a. Construction of one Oversized Personal Use Accessory Building being no larger than 958 +/- sq. ft. (89 sq. m.) to be located in accordance with the submitted and accepted Development Permit application in accordance with the professional reports as accepted by the County.
- b. The Oversized Personal Use Accessory Building is to be located 7.68 metres from the north property line.

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 applicant shall obtain all building, plumbing, gas, septic, and electrical permits and inspections from Foothills County to the discretion of the County's Safety Codes Officer;
3. The applicants shall provide written notification to the Development Authority upon completion of the development, as approved herein.

ADVISORY REQUIREMENTS:

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. Development shall comply with the requirements of the applicable Building, Safety and Fire Codes at all times;
3. The proposed accessory building shall not exceed a height, from grade to peak, of 10.67 meters (35 ft.) which is the maximum permitted within the Country Residential Land Use district;
4. No portion of the Accessory Building shall be used as a secondary dwelling nor is it to be used in association with any business, or for the purpose of storing business related materials; without first obtaining all necessary approvals from the County;
5. Providing variance for the oversize Accessory Building exhausts the area of permitted accessory buildings on a property of this size. As such, absolutely no additional accessory buildings are permitted on the subject property without first obtaining the necessary approvals through Foothills County. This includes any structure with a roof; such as, any tent, shelter, lean-to, shed, greenhouse, and/or any buildings with temporary foundations;
6. No topsoil shall be removed from the subject property and natural drainage of the property must be maintained. Alterations to natural drainage may proceed only under the authorization of an issued Development Permit for Lot Grading;
7. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
8. The applicants shall indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of the subject property;
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. 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.
3. 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 Subdivision and Development Appeal Board Order D19/2026.

INTRODUCTION:

- i. The subject property is an existing 1.95-acre Country Residential parcel, located adjacent to and south of 424 Avenue West, 30 metres south of Highway 546, 23 metres north of Sheep River, and 1.9 km west of the Town of Diamond Valley.
- ii. On July 3, 2026, the Development Authority for Foothills County issued an automatic refusal for Development Permit 26D 149 for an Oversized Accessory Building with a Relaxation of Setbacks on Plan 9312546, Lot 4; Ptn. NW 02-20-03 W5M.
- iii. An appeal was received on July 6, 2026 from E. Glasl against the automatic refusal of Development Permit 26D 149.

ISSUES**1. APPLICATION:**

- i. The Development Authority submitted that the application proposes the construction of an Oversized Accessory Building of 958 +/- sq. ft. (89 sq. m.).
- ii. The Development Authority submitted that, on a property of this size, the Land Use Bylaw allows for a maximum of three accessory buildings with a cumulative size not to exceed 950 sq. ft. accessory to the residence. The proposed Oversized Accessory Building is 8.0 sq. ft. larger than permitted without a Development Permit.
- iii. The Development Authority submitted that Section 5.6.4 of the Land Use Bylaw states that the Development Authority may allow, with respect to a proposed development, a variance of any yard setback to a maximum of 25% of the setback required for a proposed development. This application

requests a 48.8% relaxation of setbacks, which is beyond the variance power granted to the Development Authority and resulted in the automatic refusal.

- iv. The Development Authority confirmed that the proposed Oversized Accessory Building is the same building that was previously approved under Development Permit 25D 236; only the setbacks have changed.

2. SITE CONSTRAINTS AND SETBACKS:

- i. The Development Authority submitted that the subject property poses significant challenges for the building envelope. Due to the river, slopes, utility right-of-way and road, the Accessory Building is proposed to be located 7.68 metres from the north property line, when it is required to be set back 15 metres. The Applicant is seeking a 7.32 metre, or 48.8%, reduction in setbacks.
- ii. The Development Authority submitted that, prior to this application, the Applicant submitted an application for an Oversized Accessory Building with a 25% relaxation of setbacks. Given that the setback distance was within the variance power of the Development Authority, Development Permit 25D 236 was approved. One of the conditions of approval was a pre-release requirement that the Landowner submit a geotechnical report.
- iii. The Development Authority submitted that the geotechnical investigation found that the previously proposed location was not suitable, as the slope was not stable, and recommended a location further north for the development.
- iv. The Development Authority submitted that the road right-of-way is approximately 28 metres from the centre of the highway and approximately 50 metres from the property line.
- v. The Appellant/Landowner submitted that the newly proposed location resulted from the geotechnical study, consideration of safety, slope stability and aesthetics.

3. PROPOSED USE AND NEIGHBOURING IMPACTS:

- i. The Appellant/Landowner submitted that he purchased the property last year and that his intention was to build a compact workshop for his beekeeping activities and storage, instead of constructing two buildings.
- ii. The Appellant/Landowner submitted that the proposed building would be used for personal storage and beekeeping-related purposes.
- iii. Affected Party K. Moore submitted that he resides at the end of the cul-de-sac to the east. He stated that he understood the reason for the application, supported the proposal, and believed that only he and two other neighbours would be directly impacted by the development.

REASONS FOR DECISION

The Board is ALLOWING the appeal and OVERTURNING the Development Authority's decision to automatically refuse Development Permit 26D 149 for an Oversized Accessory Building with a Relaxation of Setbacks on Plan 9312546, Lot 4; Ptn. NW 02-20-03 W5M.

The Board considered the application, the reasons for the automatic refusal, the written submission received and the testimony of the Development Officer, the Appellant/Landowner and affected party at the hearing.

The Board acknowledged that the proposed Accessory Oversized Building is 958 +/- sq. ft. (89 sq. m.), which is approximately 8.0 sq. ft. greater than the cumulative accessory building area permitted for a parcel of this size without a Development Permit under Land Use Bylaw 60/2014. The Board found that the additional 8.0 sq. ft. was minor in nature and appropriate in the circumstances.

The Board also acknowledged that the requested setback relaxation exceeds the variance power available to the Development Authority, which resulted in the automatic refusal.

The Board found that the requested relaxation to allow the building to be located 7.68 metres from the north property line was justified due to the constrained building envelope.

In consideration of the evidence presented, the Board determined that, as per Section 687 of the Municipal Government Act, the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land.

CLOSING

This decision can be appealed to the Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision, you must follow the procedure found in Section 688 of the Municipal Government Act, R.S.A. 2000 Chapter M-26, which requires an application for leave to appeal to be filed and served within 30 days of this decision.

Dated at the Town of High River, in the Province of Alberta, this 7th day of August 2026 and signed by the Chairman of the Subdivision and Development Appeal Board, who agrees that the content of this document adequately reflects the appeal hearing, deliberations and decision of the Subdivision and Development Appeal Board.



Mr. Gar Beacom, Chairman

RELEVANT LEGISLATION**FOOTHILLS COUNTY LAND USE BYLAW 60/2014****2.5 DEFINITIONS****DISCRETIONARY USE**

means the use of land, or a building provided for in this Bylaw for which the Approving Authority may issue a Development Permit with or without conditions as provided for in this Bylaw.

4.2.1.7 Accessory Buildings/Structures

4.2.1.7 A detached accessory building where it is accessory to a primary residence:

- a. having an area 20.8 sq. m. (224 sq. ft.) or less, where an accessory building is a permitted use in the land use district, including those lands designated as Sub-district "A", Direct Control District, within the Flood Hazard Protection Overlay, and/or within the Airport Protection Overlay provided the structure does not result in the cumulative accessory buildings on the property exceeding the size or number of accessory buildings allowed under Table 4.2.1.7A, and does not exceed to maximum permitted height under the designated Land Use District or the Airport Protection Overlay, and
- b. having an area greater than 20.8 sq. m. (224 sq. ft.) where an accessory building is a permitted use in the land use district and does not exceed the cumulative size of accessory buildings allowed under Table 4.2.1.7A except on any lands designated Sub-district "A", Direct Control District, or Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay, or where the accessory building is being relocated from another property. Relocation of structures requires a Development Permit in accordance with Section 9.21 of this bylaw.

Table 4.2.1.7A

PARCEL SIZE	SIZE OF ACCESSORY BUILDING
Less than 1 acre	Maximum of two (2) buildings with a total cumulative size not to exceed 41.8 sq. m. (450 sq. ft.) accessory to the residence
1.0 - 1.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 88.26 sq. m. (950 sq. ft.) accessory to the residence
2 - 2.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 155.6 sq. m. (1,675 sq. ft.) accessory to the residence
3.0 - 4.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 285.7 sq. m. (3,075 sq. ft.) accessory to the residence
5.0 - 9.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 325.2 sq. m. (3,500 sq. ft.) accessory to the residence

10.0 - 14.99 acres in size	Maximum of five (5) buildings with a total cumulative size not to exceed 380.9 sq. m. (4,100 sq. ft.) accessory to the residence
15.0 - 20.99 acres in size	Maximum of five (5) buildings with a total cumulative size not to exceed 422.7 sq. m. (4,550 sq. ft.) accessory to the residence
21.0 acres and over in size	Maximum of six (6) buildings with a total cumulative size not to exceed 478.5 sq. m. (5,150 sq. ft.) accessory to the residence
Agricultural District and Agricultural Business District Parcels	Any size accessory building to be used for agricultural, general purposes on agricultural zoned parcels when an agricultural operation exists on the property, in accordance with Section 4.2.1.7 of this Bylaw

4.2.1.9 Permanent dwellings are permitted up to two private garages, attached to the permitted dwelling or detached, in addition to the accessory buildings allowed under Section 4.2.1.7A, where:

- a. the total cumulative area of the garage(s) does not exceed 167.23 sq. m. (1,800 sq. ft.), on Agricultural zoned properties; or
- b. the total cumulative area of the garage(s) does not exceed 111.48 sq. m. (1,200 sq. ft.) on all other land use districts.

excluding any lands designated Sub-district "A", Direct Control District, Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay, in which a Development Permit is required.

5.5 DISCRETION

5.5.1 A Development Authority may approve a discretionary use provided that it can be demonstrated by information provided by the applicant, that the proposed development:

- a. Is consistent with the Municipal Development Plan, an applicable area structure plan or area redevelopment plan, and policies adopted by County.
- b. Is compatible with the general purpose of the district.
- c. Should not cause traffic impacts (in terms of daily and peak hour trip generation and parking) or public transit impacts unsuitable for the area.
- d. Is serviceable with adequate capacity for drainage, water, sewage, and other utilities.
- e. Is compatible with surrounding areas in terms of land use (including the use, function, enjoyment, and value of adjacent lots), scale of development, and potential effects on the stability or rehabilitation of the area.
- f. Is appropriate having regard for geotechnical considerations such as flooding and slope stability.
- g. Will not cause a negative effect on community services and facilities such as schools, parks, fire protection, and health.
- h. Any potential adverse effect can be adequately mitigated by conditions; and
- i. Is consistent with municipal land, right of way or easement requirements.

5.5.2 In determining the significance of an adverse effect or nuisance factor, a Development Authority may consider:

- a. The expected magnitude and consequence of the effect or nuisance.
- b. The expected extent, frequency, and duration of exposure to the effect or nuisance.
- c. The use and sensitivity of adjacent or nearby sites relative to the effect or nuisance.
- d. Adherence to relevant environmental legislation or widely recognized performance standards; and
- e. The reliability and record of the proposed methods, equipment, and techniques in controlling or mitigating detrimental effects or nuisances.

5.5.3 A Development Authority may be guided in the exercise of discretion through reference to reports prepared by an accredited professional that justify alternatives to Bylaw requirements.

5.6 VARIANCES

- 5.6.4 The Development Authority may allow with respect to a proposed development, a variance of any yard setback to a maximum of 25% of the setback required by this Bylaw.
- 5.6.5 The variance power given to the Development Authority under Section 5.6.4 of this Bylaw shall not be exercised with respect to a proposed development unless the landowner can demonstrate that the proposed location is the most appropriate site for the proposed development.

13.1 COUNTRY RESIDENTIAL DISTRICT

13.1.1 PURPOSE AND INTENT

To provide for acreage development consistent with the policies outlined in the Municipal Development Plan.

13.1.2 SUB-DISTRICT

- 13.1.2.1 Parcels may include the following sub-district in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district.
- 13.1.2.2 Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

13.1.3 GENERAL REQUIREMENTS:

- 13.1.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.

- 13.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.1.4 PERMITTED USES

Accessory buildings not requiring a development permit
 Accessory uses
 Agricultural (general)
 Dwelling, single family
 Home Based Business Type I
 Home office
 Signs not requiring a development permit
 Solar Power System, Private (Not requiring a Development Permit)
 Temporary storage of no more than 1 unoccupied recreation vehicles (within Hamlet boundary)
 Temporary storage of up to 5 unoccupied recreation vehicles (outside a Hamlet boundary)
 Public works
 Secondary Suite, Principal
 Utility services, minor

13.1.5 DISCRETIONARY USES

Accessory buildings requiring a development permit
 Agricultural intensive – on lots 3 acres or more in size
 Agricultural specialty
 Antenna structures, private
 Arenas, private
 Bed and Breakfast
 Day home services
 Dwelling, moved on
 Dwelling, temporary
 Home based business Type II
 Home based business Type III
 Intensive vegetation operation
 Kennels, private
 Lot grading
 Manmade water bodies, private
 Secondary Suites, Detached
 Signs requiring a Development Permit
 Solar Power System, Private (Requiring a Development Permit)

MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, CHAPTER M-26**Hearing and Decision**

687(3) In determining an appeal, the subdivision and development appeal board

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

- (i) the proposed development would not

- (A) unduly interfere with the amenities of the neighbourhood, or
 (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

APPENDIX “A”

PERSONS WHO WERE IN ATTENDANCE, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

<u>NAME</u>	<u>CAPACITY</u>
1. S. Kotlar	Foothills County - Development Officer
2. E. Glasl	Appellant/Applicant/Landowner
3. K. Moore	Affected Party

APPENDIX “B”

I. DOCUMENTS RECEIVED PRIOR TO THE HEARING AND MADE AVAILABLE AT THE HEARING:

NO. ITEM

1. Decision from the Foothills County Development Officer 26D 149
2. Notice of Appeal submitted by E. Glasl
3. Development Permit 26D 149 File Documents

APPENDIX “C”

EXHIBITS MADE AVAILABLE AT THE HEARING

NO. ITEM

1. Presentation by the Foothills County Development Officer, S. Kotlar