

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

HEARING DATE: SEPTEMBER 15, 2026

BOARD ORDER: D23/2026

APPLICANTS/LANDOWNERS: TREVOR LISKOWICH & SHARON SPOONER

APPELLANT: RICHARD SCOTT

APPEAL AGAINST: THE APPROVAL OF DEVELOPMENT PERMIT 26D 201 FOR AN OVERSIZED ACCESSORY BUILDING & EXISTING OVERSIZED GARAGE, ATTACHED

SUBJECT PROPERTY: PLAN 1212693, BLOCK 2, LOT 11; PTN. NE 29-22-03 W5M

BEFORE: CHAIRMAN G. BEACOM; BOARD MEMBERS R. SIEWERT, M. FOX, C. STORMES AND B. MEYERS, AND RECORDING SECRETARY J. SCHULER

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, Applicants/Landowners, affected party and the Development Authority for Foothills County with respect to the appeals filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 26D 201 for an Oversized Accessory Building & Existing Oversized Garage, Attached on Plan 1212693, Block 2, Lot 11; Ptn. NE 29-22-03 W5M (The "Property").

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

DENY the appeal and UPHOLD the Development Authority's decision to approve Development Permit 26D 201 for an Oversized Accessory Building & Existing Oversized Garage, Attached on Plan 1212693, Block 2, Lot 11; Ptn. NE 29-22-03 W5M.

The application is thereby APPROVED subject to the following conditions:

APPROVAL DESCRIPTION:

This approval allows for the development and use of Plan 1212693, Block 2, Lot 11 ;Ptn. NE 29-22-03 W5M for the construction of an Oversized Garage, Attached (1372 sq. ft.), and Oversized Accessory Building (1,842.5 sq. ft.) with a height of up to 28 ft., as proposed.

All development shall be located as to adhere to all applicable property line setbacks and in accordance with the submitted and accepted Development Permit application and plans as acknowledged as acceptable by the Development Authority.

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, with appropriate vegetation screening to be maintained as proposed. **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. The installation of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw; and
4. It is the applicant's responsibility to 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. Providing variance for the oversized garage and accessory building exhausts the area of permitted Accessory Buildings and Garages on a property of this size. As such, no additional Accessory Buildings or additional garage space is permitted on the subject property without first obtaining the required approval(s) from Foothills County. This includes any structure with a roof; and/or any buildings with temporary foundations;
2. Development of the land shall comply with the requirements of the Building, Safety, and Fire Codes at all times;
3. 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;
4. 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;

5. The applicants will 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; and
6. 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 Dxx/2026.

INTRODUCTION

- i. The subject property is a 2.83-acre Country Residential parcel, located immediately south of 166 Avenue West within the Ranchers Hill Area Structure Plan, which is east of the Hamlet of Priddis Greens and Highway 22.
- ii. On August 26, 2026, the Development Authority for Foothills County approved Development Permit 26D 201 for an Oversized Accessory Building & Existing Oversized Garage, Attached.
- iii. An appeal was received on September 1, 2026, from R. Scott against the approval of Development Permit 26D 201.

ISSUES**1. APPLICATION**

- i. The Development Authority submitted that the appeal concerned the Development Officer's decision respecting Development Permit 26D 201, which sought approval for a variance to the permitted size of a proposed accessory building and an existing attached garage.
- ii. The Development Authority submitted that the Development Permit decision incorrectly described the approval as a permitted use with a variance under the Country Residential Land Use District. The application should instead have been identified as a discretionary use. An accessory building exceeding the size prescribed in Section 4.2.1.7 of the Land Use Bylaw requires a Development Permit and is a discretionary use under Section 13.1.5 of the Country Residential Land Use District. The Development Authority advised

- that, despite the wording error, the decision and analysis remained unchanged and relied on Section 5.5 of the Land Use Bylaw.
- iii. The Development Authority submitted that the neighbouring properties identified on the circulation map were circulated as part of the application and approval process.
 - iv. The Development Authority submitted that the Ranchers Hill Area Structure Plan was considered in assessing community compatibility. It noted that the Area Structure Plan addresses, among other matters, limitations respecting second dwellings and agricultural uses in the area. The Development Authority noted that the restrictive covenant registered against the parcels is a private legal matter and is not enforced through the Development Permit process.
 - v. The Development Authority submitted that 2024 satellite imagery was provided showing the subject property and surrounding properties.
 - vi. The Development Authority submitted that the application sought approval for an oversized accessory building for personal dog training and confirmation of an oversized attached garage.
 - vii. The Development Authority submitted that the existing attached garage is approximately 1,372 square feet. Although building permits had been issued, no Development Permit had been issued for the oversized garage, which was therefore being brought into compliance through the discretionary-use Development Permit application.
 - viii. The Development Authority submitted that the proposed accessory building would be approximately 3,240 square feet, with a maximum height of 28 feet, representing an overage of approximately 180 percent above the maximum permitted size for an accessory building on a property of this size. No business or kennel was proposed.
 - ix. The Development Authority submitted that the Applicants advised that immediate neighbours had been consulted and that adequate tree screening exists to the north, east, and west. Additional trees had been planted along the west, south, and east property lines, and green scaping was proposed along the sides of the building.
 - x. The Development Authority submitted that, pursuant to Sections 4.2.1 and 9.2.3 of the Land Use Bylaw, the maximum garage area for a Country Residential parcel is 1,200 square feet without a Development Permit.
 - xi. The Development Authority submitted that, when cumulative accessory-building area is considered, the proposed accessory building would be consistent with the maximum size permitted on a parcel of at least three acres, which is one size category larger than the subject parcel.

- xii. The Development Authority submitted that the maximum permitted lot coverage of impervious surfaces for a Country Residential property is 40 percent. The subject property has approximately 12 percent lot coverage, which was not identified as a concern.
- xiii. The Development Authority submitted that the Land Use Bylaw permits up to three dogs on a parcel containing a residence. Keeping up to three dogs is incidental to the residential use, and an accessory building may be used for that purpose. The application contemplated three dogs or fewer, all owned by the parcel owner.
- xiv. The Development Authority submitted that Section 5.5 of the Land Use Bylaw sets out the criteria for considering a discretionary use, including consistency with County policies, compatibility with the Country Residential District and surrounding area, potential traffic impacts, and measures to mitigate adverse effects.
- xv. The Development Authority submitted that approval of the existing garage was supported because it had already been constructed pursuant to a building permit and was not considered to adversely affect neighbouring properties. The Development Authority indicated that it had no concerns with the oversized garage.
- xvi. The Development Authority submitted that the proposed accessory building would not increase traffic and that exercising and training the dogs indoors would reduce potential noise impacts on neighbouring properties.
- xvii. The Development Authority confirmed that an accessory building of the proposed size would be a permitted use on a three-acre parcel. Because the subject parcel is 2.83 acres, the proposed accessory building is a discretionary use.
- xviii. The Applicant, T. Liskowich, submitted that the house was built by a builder who assured them that all required permits and blueprints were in place. The Applicant stated that they were surprised to learn that the garage exceeded the applicable size requirements and apologized for the circumstances.
- xix. The Applicant submitted that they own two Border Collies and do not intend to add a third dog, operate a kennel, or operate a dog-training facility. The Applicant explained that their involvement in competitive dog sports arose from their wife's interest and that they are seeking a safe indoor space to train their dogs during winter weather.
- xx. The Applicant submitted that they are members of a club involved in national and international dog sports and hold a leadership role. They stated that they are not certified trainers and that allowing other club members to participate on the property is not a business, but is comparable to team practice.
- xxi. The Applicant explained that the UpDog Challenge is an international dog sport involving Frisbee or disc games, including throwing, catching, and

various challenges. Events have generally been held on Tuesday evenings between 6:00 p.m. and 8:00 p.m.

- xxii. The Applicant submitted that participation is through the club and has been limited. One event involved approximately eight households or couples, 12 dogs, and no more than eight vehicles. Approximately five or six events had occurred that year, with additional events dependent on weather and the summer season.
- xxiii. The Applicant submitted that they do not intend to host large-scale events and that the property could not accommodate them. The events are limited in scale and are not intended to operate as a business.
- xxiv. The Development Authority provided that these events may be classified as private, however, this was not the intended use proposed for this application. So, it was not considered for this approval.
- xxv. The Appellant R. Scott provided that he resides in the subdivision adjacent to the property, in Marquee Estates.
- xxvi. The Appellant submitted that the application contravenes the Ranchers Hill Area Structure Plan (ASP). He stated that the proposed building does not fall within the categories contemplated by the Restrictive Covenant, which limits accessory structures such as garden sheds and greenhouses to 300 square feet.
- xxvii. The Appellant submitted that the approval conflicts with the restrictive covenant registered on title, which limits properties to two dogs.
- xxviii. The Appellant submitted that the proposed accessory building significantly exceeds the size permitted under the Land Use Bylaw and questioned the Development Authority's authority under Section 5.6 to grant the variance.
- xxix. The Appellant referred to Section 9.2.2 and submitted that an oversized accessory building is a discretionary use rather than a permitted use subject to a variance.
- xxx. The Appellant submitted that the proposed building may constitute a kennel and that the application was not assessed under Section 10.13 of the Land Use Bylaw, which governs buildings or facilities used to keep or train dogs.
- xxxi. The Appellant submitted that, although the application described the use as personal indoor dog training, the UpDog competition held on the property suggested a broader use. He raised concerns regarding associated traffic and the absence of provisions addressing the number of dogs and applicable siting, screening, and separation requirements.
- xxxii. The Appellant compared the application to a previous secondary-suite application that exceeded the permitted size by approximately 10 percent and

was not approved. He questioned why the current application, which he stated exceeded the permitted accessory-building size by approximately 80 percent and the garage by approximately 15 percent, was approved.

- xxxiii. The Appellant raised concerns regarding the existing oversized garage and its permitting history. He questioned whether it was constructed differently from the approved plans or whether the increased dimensions were not identified during inspection, noting that it exceeds the 1,200-square-foot maximum.
- xxxiv. The Appellant submitted that the approval does not adequately address lot coverage under Section 13.1.7.1 of the Land Use Bylaw or the applicable setback and separation requirements.
- xxxv. The Appellant submitted that the Municipal District should consistently apply as it is approved in the Area Structure Plans and Land Use Bylaws so that landowners can rely on those planning documents when purchasing and developing property. He acknowledged that the Land Use Bylaw takes precedence over the ASP.
- xxxvi. The Appellant requested that Development Permit 26D 201 be denied and that the oversized garage be reviewed separately.
- xxxvii. The Appellant clarified that his concern was with the events occurring on the property, not with the ownership of dogs.
- xxxviii. The Applicant submitted that they continue to seek approval for the building to train their two dogs, acknowledging that its proposed size exceeds the applicable land use criteria and that the Development Permit process allows for consideration of its potential impacts. The building would be heated and have power but no running water or bathroom facilities.
- xxxix. The Development Authority submitted that the 10% variance available for secondary suites addresses the avoidance of multiple dwellings, whereas variances for accessory buildings are considered under different criteria, including lot coverage. Accordingly, this application required a separate analysis under the Land Use Bylaw and was considered under Section 5.5 rather than Section 5.6.
- xl. The Development Authority submitted that the Land Use Bylaw defines the keeping of dogs as keeping up to three adult dogs over six months of age on a lot containing a dwelling. Under Section 9.12, any use exceeding those provisions is considered a dog kennel and is addressed under Section 10.13.
- xli. The Development Authority confirmed that the UpDog events were not part of the application and may require separate consideration through a development permit.

REASONS FOR DECISION

The Board is DENYING the appeal and UPHOLDING the Development Authority's decision to approve Development Permit 26D 201 for an Oversized Accessory Building & Existing Oversized Garage, Attached on Plan 1212693, Block 2, Lot 11; Ptn. NE 29-22-03 W5M.

The Board considered the application, the reasons for approval, the written materials received, and the testimony and submissions of the Development Authority, the Appellant, the Applicants/Landowners, and affected parties.

The Board considered the Applicants/Landowners stated personal use of the building for indoor training of two dogs, the applicable provisions of the Land Use Bylaw, including Section 5.5.1, the applicable Area Structure Plan, and the concerns raised by the Appellant and neighbouring property owners through their submissions to the Board.

The Board considered the proposed size of approximately 3,000 square feet in relation to the stated personal use of the building. The Board determined that there was not sufficient evidence to prove that an accessory building of that size was necessary for the stated purpose of training two dogs. The Board determined that a smaller building would reasonably accommodate the Applicants/Landowners' intended use while providing greater consistency with applicable land use requirements and addressing concerns about the scale of the development. The Board determined that a 10% variance over the applicable 1,675-square-foot limit would be an appropriate allowance while remaining more consistent with the intent of the Land Use Bylaw and remaining compatible with the scale of development contemplated on properties in the surrounding area.

The Board also considered the concerns raised regarding the UpDog events occurring on the property. The Board noted that the events were not contemplated under this approval and therefore did not form part of this decision. The Board noted that any activities occurring on the property must comply with the Land Use Bylaw and that additional approvals may be required from the Development Authority if the activities constitute a separate or additional use.

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 30th day of September 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.

A handwritten signature in black ink, appearing to read 'Gar Beacom', written in a cursive style.

Mr. Gar Beacom, Chairman

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

ACCESSORY BUILDING, DETACHED means a detached building naturally or normally incidental, subordinate and exclusively devoted to the principal building on the lot, and located on the same lot as the principal building. For clarity, buildings defined as “arena private”, “arena limited public”, or “arena commercial” are not accessory buildings. Additional information on accessory buildings can be found in Section 9.2 and Section 4.2.1.7 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.

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.

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Foothills County Land Use Bylaw |

- 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.

9.12 KEEPING OF DOGS

- 9.12.1 In accordance with Section 4.2.1, no permit is required for the keeping of up to three (3) adult dogs over 6 months of age at any one time, on a lot containing a dwelling, in all land use districts so long as the dogs are managed in accordance with all other municipal bylaws.
- 9.12.2 For circumstances outside of the above referenced provisions and additional information on the keeping of dogs, please see Section 10.13 Kennels for regulations and permit requirements.
- 9.12.3 The keeping of dogs in the County shall be done so in accordance with "The Regulation and Control of Dogs", attached as *Appendix K* of this Bylaw and the "Community Standards Bylaw" attached as Appendix J.

9.2 ACCESSORY BUILDINGS AND USES

- 9.2.1 In all residential districts, the principal building on each lot shall be a Dwelling, Unit. Notwithstanding anything contained in the land use rules applicable to such districts, accessory buildings shall be considered as permitted uses only in cases where a permitted permanent Dwelling, Unit is actually located on the Lot.
- 9.2.2 Notwithstanding section 9.2.1, an accessory building exceeding the maximum area allowed in accordance with Section 4.2.1.7, shall be considered as a discretionary use and required to have an approved Development Permit.
- 9.2.3 In accordance with Section 4.2.1.9, permanent dwellings with up to two private vehicle garages, attached to the permitted dwelling or detached, in addition to the accessory buildings allowed under Section 4.2.1.7, do not require a Development Permit, and shall not be included in the total accumulated area unless noted by a Development Permit Decision where:
- a. the total cumulative area not to exceed 167.23 sq. m. (1,800 sq. ft.), on agricultural zoned parcel or
 - b. the total cumulative area of not exceeding 111.48 sq. m. (1,200 sq. ft.) in all other land use districts .
- 9.2.4 The sum total area allowed of all accessory buildings on site may be considered when looking at the maximum area allowed noted in the land use districts.
- 9.2.5 All accessory buildings shall be located at least 2.4m (7.8 ft.) from any principal building and shall meet all minimum setback requirements.
- 9.2.6 Where another building is attached to the principal building on a site by a roof, common wall, or foundation, it is considered to be part of the principal building and not an accessory building.
- 9.2.7 An accessory building shall not be used as a dwelling unless specifically approved for that purpose.

Ranchers Hill Area Structure Plan

4.2 Country Residential Land Use Policy

Orderly settlement patterns of residential development should be compatible with the natural environment. The Plan Area rises to the north and allows for excellent unobstructed views west. There appears to be no environmentally significant sites or areas of low-lying water on the property. Lots are proposed to be not more than 3 acres (1.21 hectares) in size to accommodate single family dwellings. However, proposed Lot 11 of Phase 3 is larger at +/- 7.0 acres as it accommodates a homestead of the original landowner and a road re-alignment needed to occur to accommodate setbacks. A communal groundwater water system services all lots within the Ranchers Hill ASP. The Ranchers Hill development is proposing to create a total of thirty seven (37) country residential lots, three (3) MR lots, and 1 PUL lot from the original parent 249.23 acres.

- a. Country residential lots shall not exceed 1.21 hectares (3.00 acre) parcels. Notwithstanding proposed lot 11 Phase 3 which shall be +/- 7.0 acres.
- b. Country residential lots shall be supplied by a communal water system.
- c. Country residential lots shall have direct access to a surfaced road in accordance with the Municipal Internal Subdivision road policies.
- d. Country residential lots shall support single-family dwellings only. No agricultural uses shall be permitted in accordance with the Restrictive Covenant.
- e. In accordance with Transportation Policies contained in **Section 6.2**, a Traffic Impact Analysis shall be required at the time of redesignation or subdivision for residential purposes.

Ranchers Hill Area Structure Plan

- f. Uses on country residential lots shall comply with the Restrictive Covenant registered on title, copied here in **Appendix A**.

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. P. David Karolyi	Foothills County - Development Officer
2. T. Liskowich	Applicant/Landowner
3. R. Scott	Appellant

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 201
2.	Notice of Appeal submitted by R. Scott
3.	Development Permit 26D 201 File Documents
4.	Written Submission – B. & J. Brogden
5.	Written Submission – C. & J. Brogden

APPENDIX “C”

EXHIBITS MADE AVAILABLE AT THE HEARING

NO.	ITEM
1.	Presentation by Foothills County Development Officer P. David Karolyi
2.	Presentation by Applicant/Landowner T. Liskowich