



FOOTHILLS COUNTY

309 Macleod Trail, Box 5605

High River, Alberta T1V 1M7

Phone: 403-652-2341

Fax: 403-652-7880

www.FoothillsCountyAB.ca

planning@foothillscountyab.ca

October 7, 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 254

Legal Description: NW 23-21-29 W4M; Plan 0013285, Block 3

Approval Description: Proposed Oversized Garage Addition and Relaxation of Setbacks

Applicant/Owner Family Roots Carpentry (Applicant) / Duane & Angela Kimball (Owner)

Location: Located directly east of 48th Street East and directly north of 279th Avenue East, approximately 0.3 kilometers south of Highway 552 within the Deer Creek Estates Area Structure Plan.

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 October 29, 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/development/land-development/development-permit-notice> 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... 

Theresa Chipchase
Development Officer
Theresa.Chipchase@foothillscountyab.ca
(403) 603-6223

TC/sp
Encl. – Development Authority Decision



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: October 7th, 2026

REVISED COPY

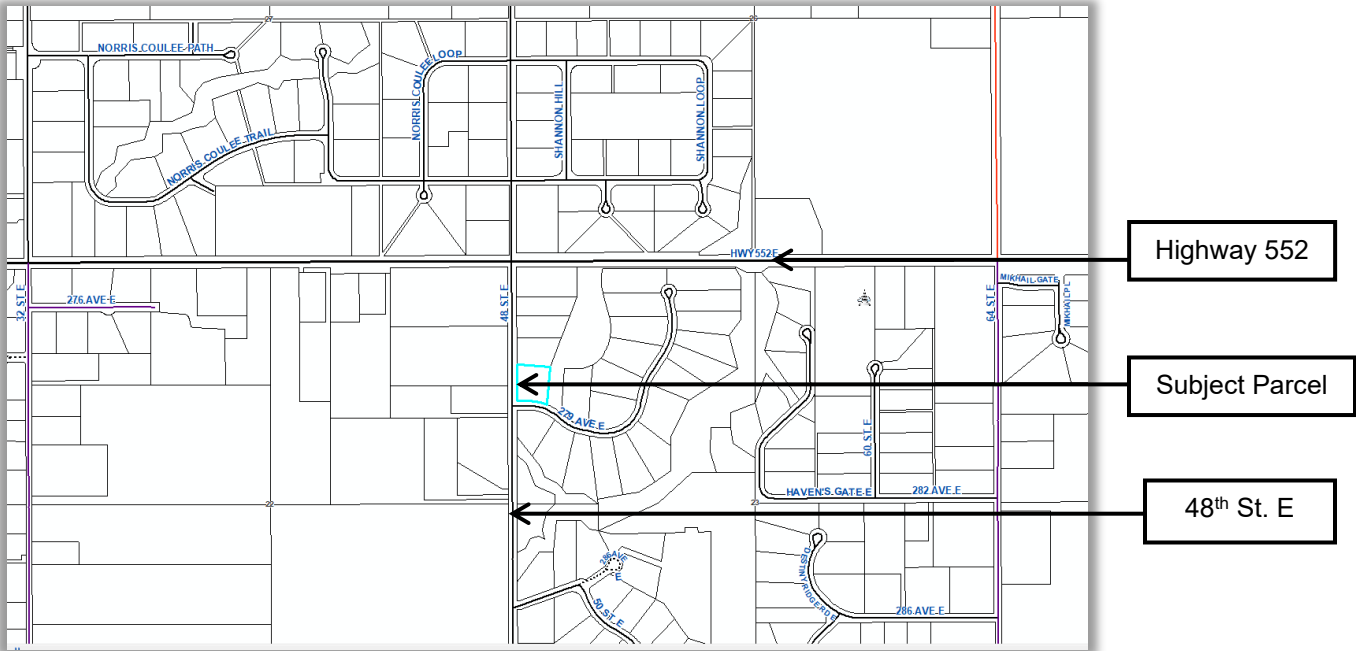
THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 26D 254
LANDOWNER(S): DUANE AND ANGELA KIMBALL
APPLICANT(S) FAMILY ROOTS CARPENTRY INC./ DERECK PERRAULT
PROPOSAL DESCRIPTION: PROPOSED OVERSIZED GARAGE ADDITION AND RELAXATION OF SETBACKS
LEGAL DESCRIPTION: PLAN 0013285, BLOCK 3, PTN: NW 23-21-29-W4M

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 3.21 acre Country Residential District parcel, located directly east of 48th Street East and directly north of 279th Avenue East, approximately 0.3 kilometres south of Highway 552 within the Deer Creek Estates Area Structure Plan.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for development permit has been submitted to allow the construction of an Oversized Attached Garage Addition on the property as well as allowing for a Relaxation of Setbacks to the Oversized Attached Garage Addition that is to be constructed on the subject parcel for personal use, in order to comply with the Land Use Bylaw 60/2014.

On a Country Residential property, permanent dwellings are permitted up to two private garages (attached or detached) up to a maximum cumulative size of 1,200 sq. ft. (111.48 sq. m.). The application proposes construction of a 2242 sq. ft. (208.29 sq. m.) attached garage, therefore, being oversized, this application is considered a discretionary use and is subject to a 21 day appeal period.

The submitted site plan provided by HOME Design and Drafting also shows the location of the proposed Oversized Attached Garage Addition 2242 sq. ft. (208.29 sq. m.) does not comply with Foothills County setbacks as outlined in the Country Residential District of the Land Use Bylaw.

The following will require relaxation of setbacks approval:

- The proposed Oversized Attached Garage Addition is also proposed to be located 95.18 ft. (29.01 m.) from the west property line, at its closest point, when it is required to be set back 48 m. from the centre line of 48th Street East. Therefore, the applicant is seeking a 13.09 ft. (3.99 m.) or 8.31% relaxation of setbacks for this proposed Oversized Attached Garage Addition from the west property line.

Section 5.6.4 and 5.6.5 of the Land Use Bylaw 60/2014 identifies that it is within the discretion of the Development Authority to approve relaxations to a maximum of 25% on proposed structures, provided that the applicant can provide rationale as to why the proposed location is the most appropriate location for the proposed structure.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of an Oversized Attached Garage Addition and a Relaxation of Setbacks to a proposed Oversized Attached Garage Addition, on the subject parcel being a portion of Plan

0013285, Block 3, PTN: NW 23-21-29-W4M 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 0013285, Block 3, PTN: NW 23-21-29-W4M with respect to the following:

- a. Construction of an Oversized Attached Garage Addition 2242 sq. ft. (189.71 sq. m), and;
- b. Relaxation of Setbacks to the proposed Oversized Attached Garage Addition 2242 sq. ft. (208.29 sq. m.), whereby it is permitted to be located no closer than 95.18 ft. (29.01 m.) as depicted on the submitted site plan from HOME Design and Drafting, Project No. 2725.

All other existing and future development must meet the County setback requirements.

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. 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. The development shall comply with the applicable Building, Safety, and Fire Codes at all times.
- 3. The Oversized Attached Garage Addition shall not exceed the maximum height, from grade to peak, of 12 metres (39.37 ft.) which is the maximum permitted within the Country Residential Land Use district;
- 4. No portion of the Oversized Attached Garage Addition 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. No topsoil shall be removed from the subject property and existing 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;
- 6. If material is brought onto the property (i.e. clay, fill, soil, etc.) the applicant must ensure a road use agreement, or a waiver of such requirement is obtained from the Public Works Department;
- 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. **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 cannot proceed until this permit has been signed and issued.

3. Notification of this Development Permit Decision will be advertised in two issues of the Western Wheel and circulated to area landowners (according to County Records at this time) within one half mile of the subject parcel. Development Permit Notices can also be viewed on our website, www.foothillscountyab.ca.
4. 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.
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

Subdlvislon 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: ☐ Yes ☐ 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: ☐ Yes ☐ 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	
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 ☐ Approval ☐ Conditions of Approval ☐ Refusal <u>Development Permit #</u> Date of Decision: (Y/M/D) _____	Subdivision Authority Decision ☐ Approval ☐ Conditions of Approval ☐ Refusal <u>Subdivision Application #</u> Date of Decision: (Y/M/D) _____	Decision of Enforcement Services ☐ Stop Order ☐ 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.		

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* <i>*Paid at the time od subdivision application and credited to endorsement fee if no appeal is filed</i>	\$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