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

November 18, 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 has been **partially approved** subject to certain conditions (copy attached) along with a **partial refusal** (copy attached) and a 21-day appeal period, for a parcel of land that is located adjacent to your property. The details of the Development Permit application are as follows:

Development Permit Application File#:	**25D 263**
Legal Description:	**NW 31-21-28 W4M; Plan 0112113, Block 7, Lot 2**
Approval Description:	**Relaxation of Setbacks to Existing Structures**
Applicant/Owner	**Jay Maull (Applicant) / Connie & Stephanie Maley (Owner)**
Location:	**Located approximately 560 m south of Dunbow Road E and directly east of 80th St E.**

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 December 9, 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-notices 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...

Brittany Domenjoz
Development Officer
Brittany.Domenjoz@foothillscountyab.ca
(403) 603-6239

BD/sp
Encl. – Development Authority Decision

DEVELOPMENT PERMIT DECISION

DATE OF DECISION: November 18, 2026

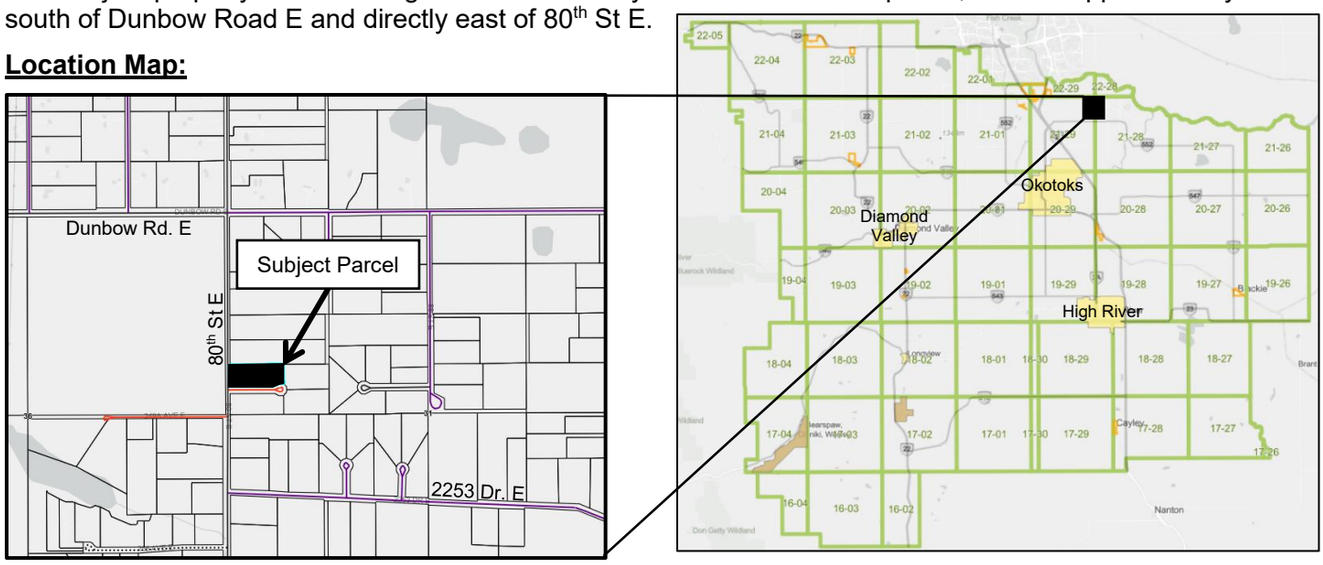
THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 25D 263
LANDOWNER(S): CONNIE & STEPHANIE MALEY
APPLICANT(S): JAY MAULL
PROPOSAL DESCRIPTION: RELAXATION OF SETBACKS TO EXISTING STRUCTURES
LEGAL DESCRIPTION: PTN. NW 31-21-28 W4M; PLAN 0112113, BLK 7, LOT 2

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 4.51 acre Country Residential District parcel, located approximately 560 m south of Dunbow Road E and directly east of 80th St E.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted requesting a relaxation of setbacks to existing structures on the subject parcel. The submitted Real Property Report identifies that the dwelling with attached deck, metal shed (5.44 x 4.95) and metal shed (4.41 x 3.18) do not comply with the required setback distances as outlined within the Country Residential District of the Land Use Bylaw. The following will require a relaxation of setbacks:

- The dwelling with attached deck is located 14.98 m from the north property line, at its nearest point, when it is required to be setback 15 m from the north, side yard property line. Therefore, the applicant is seeking a 0.02 m or 0.13% relaxation of setbacks for this structure.
- The metal shed (5.44 x 4.95) is located 0.38 m from the north property line, when it is required to be setback 15 m from the north, side yard property line. Therefore, the applicant is seeking a 14.62 m or 97.5% relaxation of setbacks for this structure.
- The metal shed (4.41 x 3.18) is located 0.39 m from the north property line, when it is required to be setback 15 m from the north, side yard property line. Therefore, the applicant is seeking a 14.61 m or 97.4% relaxation of setbacks for this structure.

Section 5.6.2 of the Land Use Bylaw 60/2014 provides the Development Authority with the ability to consider a 90% variance for the required setbacks, with respect to the existing development.

The requested relaxation of setback variance is considered a Discretionary Use under the Country Residential Land Use District, therefore, the decision on this application for Development Permit is to the discretion of the Development Officer, and 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 a relaxation of setbacks for the existing structures on the subject parcel has been considered by the Development Officer and is **REFUSED IN PART** for the following reasons:

Section 13.1.7.3. b. i. of the Land Use Bylaw 60/2014 identifies that minimum Side Yard Setback requirements shall be 15m (49.21 ft.) from the property line.

Section 5.6.2 of the Land Use Bylaw 60/2014 provides that the Development Authority may allow a variance of any yard setback to a maximum of 90% of the setback requirement identified with the Country Residential Land use District for existing structures.

The requested relaxation of setbacks to the existing metal sheds, as identified on the Real Property Report, completed by Arc Surveys Ltd. (File No. 245198) exceeds the maximum variance that may be considered by the Development Authority. As such, this portion of the application is considered an automatic refusal and if appealed, will be given further consideration by the Development Appeal Board.

Further, the application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of a relaxation of setbacks for the dwelling with attached deck on the subject parcel being portion of NW 31-21-28 W4; Plan 0112113, Block 7, Lot 2 has been considered by the Development Officer and is **APPROVED IN PART** subject to the following:

APPROVAL DESCRIPTION:

This approval allows for the development and use of Plan 0112113, Block 7, Lot 2; Ptn. NW 31-21-28 W4M, with respect to:

- The existing dwelling with attached deck, located 14.98 m from the north property line, at its nearest point is permitted to remain, as depicted in the Real Property Report, completed by Arc Surveys Ltd. (File No. 245198).

In accordance with the submitted and accepted Development Permit application. No additional buildings are permitted without the benefit of appropriate approvals.

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 metal shed (5.44 x 4.95) and metal shed (4.41 x 3.18), located along the north property line shall be moved to meet all required setback distances. It is the applicant's/landowner's responsibility to provide an updated site plan verifying the new location of the structures.

   OR

   The metal shed (5.44 x 4.95) and metal shed (4.41 x 3.18), located along the north property line shall be removed from the subject parcel in their entirety. It is the applicant's/landowner's responsibility to ensure appropriate and proper disposal of any materials resulting from the demolition of any structures.

ADVISORY REQUIREMENTS:

The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity. It is the responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements for the life of the development.

1. All other existing and future developments shall be located as to adhere to Municipal setback requirements form the boundaries of the legally titles property;
2. Development shall comply with the applicable Building and Fire Codes at all times.
3. The applicant's/landowners are advised that the existing fencing located in the southeast corner of the subject parcel is encroaching into the road right of way (249th Ave E). Should any ditch or roadway work be needed, the offending portion of the fence will be removed and not replaced.
4. All structures on this parcel are to be used for personal use only and shall not be used in association with any business, or for the purpose of storing business-related materials, without first obtaining all necessary approvals from Foothills County;
5. 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;
6. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
7. 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;
8. 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. 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) adjacent to 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

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: ☐ 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

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	**Subdivision Authority Decision**	**Decision of Enforcement Services**
☐ Approval	☐ Approval	☐ Stop Order
☐ Conditions of Approval	☐ Conditions of Approval	☐ Compliance Order
☐ Refusal	☐ Refusal	
Development Permit #	Subdivision Application #	Enforcement Order #
Date of Decision: (Y/M/D) _____	Date of Decision: (Y/M/D) _____	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

Please note that the personal information collected is authorized under the Municipal Government Act and the Protection of Privacy Act (POPA), Section 4(c). Your comments and name will become a part of a public agenda. Inquiries about the collection of this information should be directed to the Foothills County Access to Information Coordinator, P.O. Box 5605, High River, Alberta T1V 1M7. Telephone 403-652-2341

_____ _____

Signature of Appellant(s) OR Person Authorized to Act on Behalf of Appellant(s)

Date

A hearing must be held within 30 days from the receipt of your Notice of Appeal. Written notice of the date and time of the hearing will be sent by regular mail. If the appeal is against the decision of a Subdivision Authority, notice will be sent to the appellant, landowner(s) of the subject property, and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to the appellant, landowner(s) of the subject property and to landowners located within the half mile surrounding the subject property.

****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. ****

PAYMENT OF APPEAL FEE

If submitting the Notice of Appeal form and paying the appeal fee in person, you do not need to complete this section.
If submitting the Notice of Appeal form by email, you must complete this section.

Appeal fees are outlined on the attached information sheet - **Submitting an Appeal**

✂ _____

CREDIT CARD INFORMATION		
Card type: ☐ Visa ☐ Master Card ☐ American Express		
Name as it appears on Card:	Card Number:	
Date of Expiry:	CVC:	
Authorization: I authorize Foothills County to charge $	to my credit card.	
Signature of Card Holder:		Date:

FOR OFFICE USE ONLY		
Authorized By:	Date:	Receipt #:

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 od 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