

**MINUTES OF THE MEETING OF THE SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
THURSDAY, SEPTEMBER 8, 2016 at 7:00 p.m.**

PRESENT: Members: B. Christian, C. Crozier, D. Kilpatrick,
V. Lutz, G. Shipley

Development Officer	B. Stehr
Director of Planning & Engineering	J. Johansen
Recording Secretary	S. Simon

Appellants: Brigitte & Brian Collinge

ABSENT:

1. CALL TO ORDER

Recording Secretary called the appeal hearing to order at 7:01 p.m., confirmed there was a quorum present to hear this appeal; and opened nominations for Chairman.

2. ELECTION OF CHAIRMAN

V. Lutz nominated D. Kilpatrick to be Chairman, seconded by B. Christian. D. Kilpatrick accepted and assumed control of the appeal hearing.

3. APPEAL NO. 1

**Appeal of Development Application 16-DP-054
Lot 2, Block 5, Plan 7410853 (735 - 2 Street SE)
(Over height fence in front yard)**

Chairman Kilpatrick asked the appellants if they had any objection to any board members hearing the appeal. Brigitte & Brian Collinge advised he/she/they had no objection to any member of the Subdivision and Development Appeal Board.

a) Presentation of Appellant

B. Collinge referenced their fence indicating it is a maintenance free privacy fence. Further commenting they previously had cedars planted but it was messy. They advised they initially were not aware that the fence they had constructed was overheight. They commented that most of the neighbours have no concerns with the fence. The fence has been in place for three years.

b) Presentation of Development Officer

The Development Officer referenced his report provided, noting he did not have anything further to add and inquired if the board had any questions. There were no questions.

c) Presentation of Municipal Planning Commission (MPC)

No one was in attendance.

d) Presentation of Planning Consultant

Not in attendance.

e) Presentation of anyone served notice of hearing

Recording Secretary distributed correspondence received from Joey & Krista Pettyjohn and Bob & Faye Wickens. (copies attached for reference). In addition F. Wickens indicated they had placed a complaint about the fence three years ago.

f) Presentation of anyone claiming to be affected

J. Collinge (daughter) commented that the fence is a maintenance free fence. She further explained some of the animosity between her mother and the adjacent neighbour and felt this has been an evolving issue growing into a larger issue.

g) Rebuttal of Appellant/Applicant

B. Collinge referenced other fences in Town which do not meet the Land Use Bylaw. It was commented that the fence is a privacy fence and it was not put up to be malicious. Further commenting that it is not obstructing traffic.

h) Other

Nothing further was discussed.

i) Recess

B. Christian moved to meet in camera at 7:18 p.m.

The appellants, Development Officer, Director of Planning & Engineering, other members of the gallery left at 7:18 p.m.

j) Decision

B. Christian moved to revoke the decision of the Development Officer to deny Development Permit Application 16-DP-054, Lot 2, Block 5, Plan 7410853 (735 - 2 Street SE) for an over height fence in the front yard. Further to approve Development Permit Application 16-DP-054, Lot 2, Block 5, Plan 7410853 (735 - 2 Street SE) for an over height fence in the front yard with the following conditions:

1. The existing panel of over height fence in the front yard is to be reduced to a maximum height of 1.2 m which is a variance from the maximum height allowed in the land use bylaw.
2. The reduction of fence height to the maximum of 1.2 m is to be completed by October 7, 2016.

– Carried.

Reasons for Decision

Allowance and reduction of the existing panel of fencing to a maximum height of 1.2 m will not detract from the neighbourhood and will still allow for some privacy.

The appellants, Development Officer, Director of Planning & Engineering, other members of the gallery returned at 7:41 p.m.

Chairman Kilpatrick advised the appellant of the decision and that the written decision would be forthcoming.

4. APPEAL NO. 2**Appeal of Stop Order**

**Lot 2, Block 5, Plan 7410853 (735 - 2 Street, Redcliff)
(Over height fence in front yard)**

The Chairman questioned if, given the decision of the appeal No. 1, if the second appeal was still relevant. He clarified that they can only consider if the stop order was issued properly or consider the time given to comply; they cannot go back to original decision and make changes. Further, mentioning the right to speak to the appeal.

The Director of Planning & Engineering confirmed the Board can hear the appeal of the stop order but only with regards to if it was issued properly and timeframe for compliance. Whether to hear the appeal or not is the discretion of the appellant (withdrawing the appeal) or the SDAB (deciding that they will not hear the appeal). He commented from a procedural perspective the timeframe for compliance of the Stop Order should be changed to be consistent with that of the previous decision of SDAB. Presently the date for compliance of the stop order is October 12, 2016 whereas the date for compliance on the SDAB decision is October 7, 2016.

Director of Planning & Engineering further referenced the reasons for the order in hearing of the appeals.

a) Presentation of Appellant

B. Collinge questioned what they were allowed to do with the fencing and type of materials allowed. Clarification was given as to the Land Use Bylaw and fencing regulations and to their decision regarding Appeal No. 1 confirming their decision extended only to the existing fence panel and nothing further.

B. Collinge questioned the other fences in the Town that do not comply with the Land Use Bylaw. The Board clarified they can only hear matters relating to their appeal and not to other fencing in the Town.

b) Presentation of Development Officer

Development Officer referenced his report. There were no further comments/questions.

c) Presentation of Municipal Planning Commission (MPC)

No one was in attendance.

- d) **Presentation of Planning Consultant**
Not in attendance.

- e) **Presentation of anyone served notice of hearing**
No further comments.

- f) **Presentation of anyone claiming to be affected**
No further comments.

- g) **Rebuttal of Appellant/Applicant**
The appellant had no further comments.

- h) **Other**
Nothing further was discussed.

- i) **Recess**
No recess was requested.

- j) **Decision**
G. Shipley moved to confirm the stop order issued to Brian and Brigitte Collinge for illegal development (overheight fence) – noncompliance with the land use bylaw at Lot 2, Block 5, Plan 7410853 (735 2 Street SE). Further to extend the time for compliance of stop order to October 7, 2016, consistent with approval of development permit application 16-DP-054, for an over height fence in the front yard at Lot 2, Block 5, Plan 7410853 (735 - 2 Street SE). – Carried.

Reasons for Decision

The stop order was issued properly and in accordance with the Municipal Government Act and the Town of Redcliff Land Use Bylaw. The reason to extend the time for compliance is to be consistent with the decision for Development Permit Application 16-DP-054 (Lot 2, Block 5, Plan 7410853 [735 2 Street SE]).

5. ADJOURNMENT

C. Crozier moved the meeting be adjourned at 7:57 p.m.



Chairman



S. Simon, Recording Secretary