



## NOTICE OF DECISION

September 26, 2023

File No.: PLDP20230276

Sent via email and mail: [REDACTED]

KUBICEK, Ronald George & Spryng  
[REDACTED]

Dear Ronald & Spryng Kubicek:

**RE: Proposed Development Permit**

**Legal: NW 20-32-5-5 Plan 0212509 Lot 29**

**Development Proposal: Accessory Building - Gazebo and Setback Relaxation to Existing Structure**

The above noted Development Permit application on the NW 20-32-5-5 Plan 0212509 Lot 29 for a Accessory Building - Gazebo and Setback Relaxation to Existing Structure was considered by the Administrative Subdivision & Development Approving Authority on September 26, 2023.

The following policies were taken into consideration by the Administrative Subdivision & Development Approving Authority when reviewing the application:

Municipal Development Plan  
Bylaw No. 20/20

Section 5.4 Recreational Development Policies  
Section 6.0 Environmental Land Use Policies

Land Use Bylaw No. 21/21

Section 9.12 Hazard Lands  
Section 15.3 Parks & Comprehensive Recreation District

The Administrative Subdivision & Development Approving Authority concluded that a Accessory Building - Gazebo and Setback Relaxation to Existing Structure is suitable development for NW 20-32-5-5 Plan 0212509 Lot 29 and conforms to the above noted policies.

As such, the Administrative Subdivision & Development Approving Authority has approved the application subject to the following conditions:

### STANDARD CONDITIONS:

1. The provisions of the Land Use Bylaw No. 21/21.
2. Approval by the approving authority does not exclude the need and/or requirements of the Permittee to obtain any and all other permits as may be required by this or any other legislation, bylaws, or regulations.

3. The Development Officer may, by notice in writing, suspend a Development Permit where development has occurred in contravention to the terms and conditions of the permit and/or Land Use Bylaw.
4. If the development authorized by a Development Permit is not complete within twenty-four (24) months from the effective date of the Permit, such Permit approval ceases and the Permit itself is deemed void, expired and without effect, unless an extension to this period has been previously granted.

**STANDARD CONDITIONS IF APPLICABLE:**

5. N/A
6. N/A
7. An Alberta Land Surveyor is to locate / post the location of the building(s) / structure(s) prior to construction as per the approved sketch. The County shall not be responsible or liable for non-compliance with this condition.
8. N/A
9. N/A
10. N/A
11. No development shall be constructed, placed or stored over an easement or utility right of way; the applicant/landowner is responsible for contacting Alberta-One-Call and/or other governing authority.

**PERMITS ASSOCIATED WITH BUILDING CONSTRUCTION:**

12. Permittees are advised that they are subject to standards of the Safety Codes Act of Alberta and are responsible to meet the requirements of the Act in regards to building, electrical, gas, plumbing, and private sewage disposal systems. Prior to construction required permits must be obtained from Mountain View County. Mountain View County shall not be responsible or liable in any manner whatsoever for any structural failures, defects or deficiencies whether or not the said development has complied with the Safety Codes Act of Alberta.

**ADDITIONAL CONDITION(S):**

13. The Accessory Building - Gazebo shall be flood-proofed. New mechanical, electrical services and equipment shall be designed and installed a minimum of 0.6 m (2.0 ft.) above the 1 in 100-year design flood. New or replacement private sewer systems shall be designed and installed to be flood-proofed.
14. Use of the proposed Accessory Building - Gazebo for business, industrial, commercial purposes, or residential occupancy is not permitted.
15. As per the submitted application, a northerly setback relaxation is granted for the life of the existing Accessory Building - Shed.
16. The applicant and/or landowner shall adhere to all the requirements itemized within the Development Agreement registered on Title as Instrument 021 258 959.

A Notice of Decision for this Development Permit, that lists all the conditions and includes the site plan, will be placed on the County's website at <https://www.mountainviewcounty.com/p/development-permits>. This decision will be advertised on **October 03, 2023** and **October 10, 2023** in The Albertan. Should you



wish to appeal this decision, or any of its conditions, your appeal must be received by the Secretary of the Subdivision & Development Appeal Board, by 4:00 p.m. on **October 17, 2023**.

Enclosed is a copy of the appeal provisions which outlines your right to appeal this decision pursuant to Section 685 of the Municipal Government Act. Please note that if development commences prior to the end of the appeal period, a fine as specified in Section 7 of Land Use Bylaw No. 21/21 may be applied.

Following the appeal period, should no appeals be submitted, the Development Permit will be issued. If a Building Permit is required, please ensure the contractor receives a copy of the approved sketch so that the setbacks as approved are adhered to.

If you have any questions or concerns regarding this matter, please call me at 403-335-3311 ext. 171 or by email at [jreimer@mvcountry.com](mailto:jreimer@mvcountry.com).

Yours truly,



Jaydan Reimer, Development Officer  
Planning and Development Services

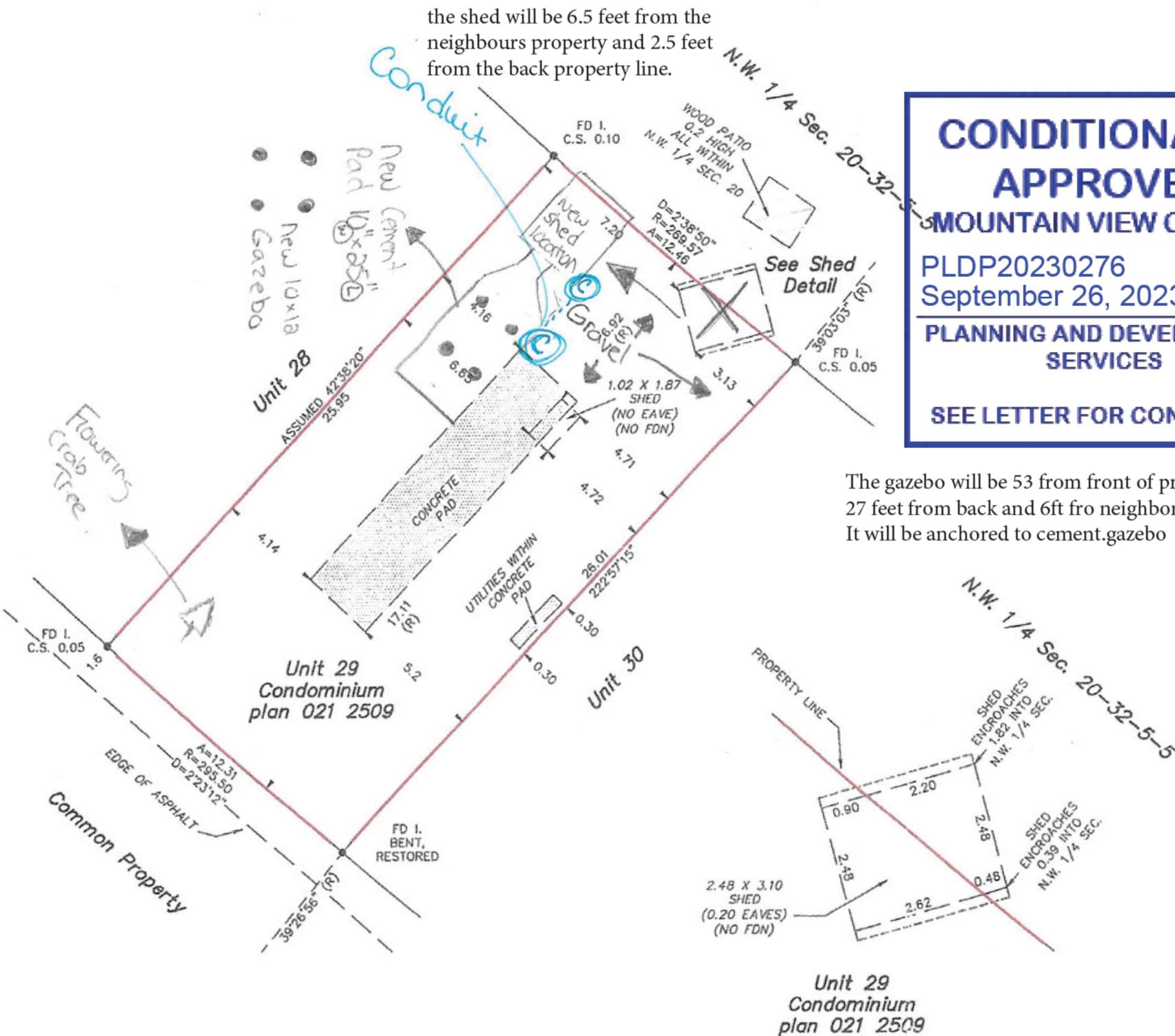
/mh

Enclosures



the shed will be 6.5 feet from the neighbours property and 2.5 feet from the back property line.

**CONDITIONALLY APPROVED**  
**MOUNTAIN VIEW COUNTY**  
 PLDP20230276  
 September 26, 2023  
**PLANNING AND DEVELOPMENT SERVICES**  
 SEE LETTER FOR CONDITIONS



The gazebo will be 53 from front of property and 27 feet from back and 6ft fro neighbor. It will be anchored to cement.gazebo

Unit 29  
 Condominium  
 plan 021 2509



**Mountain View**  
C O U N T Y

# NOTICE OF DEVELOPMENT APPEAL

1408 Twp. Rd. 320 / Postal Bag 100, Didsbury, AB Canada T0M 0W0  
T 403.335.3311 F 403.335.9207 Toll Free 1.877.264.9754  
www.mountainviewcounty.com

Excerpt from the Municipal Government Act, Section 685 - Grounds for Appeal

685(1) - If a development authority:

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

**File Number of the Development Application:** \_\_\_\_\_

**APPELLANT:** Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_

**LANDOWNER:** Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_

**LAND DESCRIPTION:** Registered Plan: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
Part: \_\_\_\_\_ Section: \_\_\_\_\_ Twp.: \_\_\_\_\_ Range: \_\_\_\_\_ Meridian: \_\_\_\_\_

**THIS APPEAL IS COMMENCED BY, ON BEHALF OF:**

- (a)  Adjacent Landowner/Affected Person (Fee \$425.00) (b)  Developer/Applicant/Landowner (Fee \$425.00)

**REASON(S) FOR THE APPEAL (use additional paper if required):**

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The personal information on this form is being collected under the authority of Section 33(c) of the Alberta Freedom of Information and Protection of Privacy Act (FOIP) and *Municipal Government Act* Sections 678 and 686 for the purpose of preparing and conducting an Appeal Hearing. By providing the above personal information, **the applicant consents to the information being made available to the public and Appeal Board in its entirety** under Section 17(2) of the Alberta Freedom of Information and Protection of Privacy Act. Any inquiries relative to the collection or use of this information may be directed towards to: Mountain View County FOIP Coordinator 1408 – Twp Rd 320 Postal Bag 100 Didsbury AB T0M 0W0 Ph: 403-335-3311

\_\_\_\_\_  
Signature of Appellant/Agent

\_\_\_\_\_  
Date