



**MINUTES OF A SUBDIVISION &
DEVELOPMENT APPEAL BOARD MEETING
FOR BIRCH HILLS COUNTY HELD IN COUNCIL CHAMBERS
NOVEMBER 10, 2021**

PRESENT:

**CHAIRPERSON
MEMBER
MEMBER**

**HERB PFAU
CINDY TRUDEL
BRENDA FRIEDEL**

DEVELOPMENT OFFICER

LARRY DAVIDSON

APPELLANT

**TYLER DAVYDUKE
STEPHANIE COWLES**

CLERK

BAILEY SMITH

CALL TO ORDER:

Clerk, Bailey Smith called the meeting to order at 9:00 a.m.

ELECTION OF

CHAIRPERSON:

Clerk, Bailey Smith opened nominations for chairperson.

Cindy Trudel nominated Herb Pfau for chairperson.

Second call for nominations was held.

Third and final call for nominations was held, seeing as there are no more nominations, Herb Pfau took position of the chair.

**DEVELOPMENT
OFFICER
INFORMATION:**

Larry Davidson, Development Officer, was called on to give the history of the stop order. Larry Davidson gave a verbal presentation outlining the issues that resulted in the first Stop Order being issued on May 28th 2021, which was as a result of no correspondence or permits applied for or obtained in the construction of the cabin. A second Stop Order was issued on September 28th 2021 to Lot S 25' 4,5,6 Block 3 Plan 6394ET.

Stephanie Cowles, Representation for Tyler Davyduke, asked for clarification regarding the Land Use Bylaw's legislation about fence height on residential lots.

Stephanie Cowles brought forth the idea that the shed is an accessory building and therefore would not need a permit. Development Officer clarified that you cannot have an accessory building without a primary residence.

**APPELLANT
INFORMATION:**

Stephanie Cowles, as representation for the appellant, gave a verbal presentation that was not provided ahead of the appeal, however the panel allowed it. The presentation outlined the assertion of correspondence between the Appellant and Birch Hills County. A request was made for more time to comply with the Stop Order.

The Chair, Herb Pfau, asked the Appellant what is currently left on the property.

Representation for the Appellant stated that there are only a few things left on the property, including a storage shed and few un-operable vehicles.

Panel member, Cindy Trudel asked the Appellant about knowledge of property zoning prior to purchase, however the Appellant stated they were unaware of the property zoning until after the purchase.

The Chair asked the Development Officer for clarification on grouping lots tie coding, regarding their zoning.

The Appellant asked the Chair what is left to do in order to comply with the stop order. The Chair reminded her that the height of the fence, presence of the storage shed and utilities as well as un-operable vehicles and equipment are still not compliant with the Land Use Bylaw

ADJOURNMENT: Chair Herb Pfau adjourned the meeting at 10:08 a.m.

DECISION OF BOARD: The Board upheld the Stop Order issued on September 28th, 2021 with an extended deadline of May 1st, 2022.

REASONS FOR DECISION: The SDAB has limited power over Stop Orders; however the board has decided to extend the order until the end of the day on May 1st, 2022. This gives the appellant time to;

- i. Make certain that the surrounding fence is in compliance with the Land Use Bylaw.
- ii. Remove the "storage shed" or apply and receive proper permits and zoning to allow it.
- iii. Remove all non-operational vehicles from the property.

Chair – Herb Pfau

SDAB Clerk – Bailey Smith