

**WHEATLAND COUNTY
SUBDIVISION & DEVELOPMENT APPEAL BOARD**

Notice of Decision

Hearing Held At: Wheatland County Office – Council Chambers

Members Present: J. Anderson
E. Deeg
K. Williams

Appellant: Fernando Pinto Sr.

Basis of Appeal:
An appeal received on September 27, 2022, against the Development Authority's decision to REFUSE development permit DP2022-173 for a dwelling, manufactured type 2 located at NW-01-25-22W4 – Plan 1211438; Block 1; Lot 1 located 1 mile East of the Village of Standard.

Finding the Facts:

1. Parcel is located in the NW-01-25-22W4 - Plan 1211438; Block 1; Lot 1
2. Parcel is currently zoned Country Residential.
3. The Development Authority refused the Development Permit for a dwelling, manufactured type 2 located at NW-01-25-22W4 – Plan 1211438; Block 1; Lot 1 located 1 mile East of the Village of Standard.
4. Appellant filed the Notice of Appeal with the Subdivision and Development Appeal Board on September 27, 2022.

Decision:

The decision of the Subdivision and Development Appeal Board is to approve the Appeal and overturn the decision of the Municipal Planning Commission. The decision is to approve DP2022-173 allowing a Dwelling, Manufactured Type 2 to remain on Lot 1, Block 1, Plan 1211438 prior to the application for a Development Permit. The approval is based on the following and subject to the following conditions:

1. This development permit is issued solely for the purpose of a pre-occupied 36' x 24' modular dwelling without CSA A277 certification (constructed in 1980) – Defined as a Dwelling, Manufactured Type 2.
2. No variances have been granted.
3. Development shall proceed according to Country Residential District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Prior to any work to renovate, repair, construct or alter the dwelling, a Deposit of \$5,000 to be submitted by the applicant and refunded upon:

- a) Foundation finished with appropriate material
- b) Exterior stairs to be installed (if required).
- c) Exterior finish (i.e.: siding) to the satisfaction of the Development Officer.
- d) All roofing, windows, and paint complete to the satisfaction of the Development Officer.
- e) Any other requirements as deemed necessary by the Development Officer.
- f) Items identified in the Mobile Home Inspection Report dated August 15, 2022, as per the following:
 - Siding to be repaired or replaced.
 - Roofing to be repaired and replaced (requires a Building Permit).
 - Windows to be repaired and replaced (requires a Building Permit).
 - Foundation to be constructed to meet code complete with a way to fasten the unit to concrete (requires a Building Permit).
6. This Development Permit is issued for approximately 14 months and expires December 31/2023. A new application will be necessary at that time.
7. All above conditions must be completed, adhered to, and approved by the development authority before re-application can be made. Please be aware of Land Use Bylaws, the Development Permit expiry date as noted in Paragraph 6 above, and consequences if DP2022-173 expires.

Note: All applicable Safety Code Permits must be obtained prior to any work being completed. This includes: Private Sewage Permit, Gas, Electrical, Plumbing and Building Permits.

Reasons For
Decision:

The Subdivision and Development Appeal Board is approving the appeal for the following reasons:

1. Prior to MPC refusal-The Applicant/Landowner did everything asked of him by the development authority in obtaining and applying for a completed development permit. The development authority was well informed and aware of all the circumstances related to this permit.
2. The Appellant informed the County that he needed to move the dwelling onto the property prior to obtaining a Development Permit and was advised in writing by the County on July 1, 2022, that he was permitted to do so if he paid double the application fee which totaled \$600. Mr. Pinto paid that additional fee. The dwelling was moved onto the property on July 19, 2022. Mr. Pinto applied for a Development Permit on September 1, 2022.
3. The Appellant obtained a pre-application inspection report of the Manufactured Dwelling 2 by an Alberta Safety Codes Officer. The Inspection Report indicated that with respect to the double wide at this location, it was determined that the structural integrity of the unit was sound.
4. It is believed that some of the information presented to MPC may be irrelevant, un-satisfactory, misleading, and/or incomplete.
5. It is unclear as to what information and evidence MPC used in making its decision.
6. The SDAB makes its decision based on information provided to it at the hearing.
7. In determining an appeal, the SDAB Board, may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own.

Closing:

This decision can be appealed to the Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in Section 688 of the *Municipal Government Act*, R.S.A 2000 Chapter M-26 which requires an application for permission to appeal to be filed and served within 30 days of this decision.

Dated at Wheatland County Municipal Office, in the Province of Alberta this the 21 day of October, 2022 and signed by the Chair of the Subdivision and Development Appeal Board who agrees that the content of this document adequately reflects the appeal hearing and decision of the Board.



J. Anderson, Chairman