SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PARKLAND COUNTY

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HEARING DATE: January 15, 2024
FILE NO.: PLDPH20230543

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] The Development Authority of Parkland County (the "Development Authority") issued a development permit for a Home-Based Business Level 2 (landscaping/plumbing/gas fitting) located at 2, 54023 Range Road 280, Parkland County, legally described as Plan 6048RS, Block 1, Lot 2, NW 6-54-27-W4M ("the Lands"). The applicant for the development permit was P.W.R. Contracting (Ryan Creelman) (the "Applicant").

[2] On November 22, 2023, Stefan Koester on behalf of himself and his wife Birgit filed an appeal of the development permit (the "Appellants"). Both the Appellants and the Applicant signed a waiver agreeing to having the hearing commence outside of the thirty (30) day period provided for in the *Municipal Government Act*, RSA 2000, c.M-26 (the "MGA").

[3] The Subdivision and Development Appeal Board (the "Board") held the appeal hearing on January 15, 2024, in person.

PRELIMINARY MATTERS

A. Board Members

[4] At the outset of the appeal the Chair requested confirmation from all parties in attendance that there was no opposition to the composition of the Board hearing the appeal. None of the persons in attendance had any objection to the members of the Board hearing the appeal.

B. Exhibits

[5] At the beginning of the hearing the Chair confirmed that everyone in attendance had the hearing package prepared for the hearing.

[6] No one at the hearing had any further information they wished to submit.

C. Miscellaneous

[7] There was no request for an adjournment of the hearing.

[8] There were no objections to the proposed hearing process.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[9] The Board denies the appeal. The Board grants the Development Permit but modifies the conditions. The Development Permit is subject to the following conditions and Permit Notes:

CONDITIONS

1. The proposed development shall conform to the stamped approved plans and shall not be moved, altered or enlarged except where authorized or directed through this permit approval.

2. Any proposed changes shall first be submitted for review by the Development Authority. Any changes considered substantial or inconsistent with this approval, as determined by the Development Authority, may require separate development permit approval.

3. The site shall be kept in a neat and orderly manner.

4. The display or placement of signage on the premises shall be in accordance with Subsection 15.3 as per Parkland County's Land Use Bylaw 2017-18.

5. No variation from the external appearance and residential character of land or buildings shall be permitted.

6. The business shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority.

7. No outside storage of goods, materials, commodities or finished products relating to the business shall be permitted, including any outdoor storage relating to landscaping materials such as gravel, sand or mulch.

8. In relation to the parking of commercial vehicles, the applicant is allowed to park one commercial vehicle with one accessory trailer and one skid steer as shown on the submitted site plan and documentation.

9. At all times the privacy of the adjacent residential dwellings shall be preserved and the home-based business use shall not unduly offend neighbouring or adjacent residents by way of excessive lighting, late calling of clients of an unreasonable number, traffic congestion.

10. Only the resident and the resident's family who permanently reside in the residential dwelling on the subject parcel may be permitted as employees who attend the subject parcel.

11. The applicant shall not operate from the Lands on Sundays.

12. Failure to comply with the conditions of this permit may result in the permit being cancelled and or revoked.

The applicant is advised of the following permit notes:

PERMIT NOTES

1. The applicant is responsible to ensure compliance with the Restrictive Covenant(s) registered on Title.

2. The applicant is responsible to ensure compliance with the National Fire Code (Alberta Edition).

3. Noise that exceeds the level as specified in the Community Standards Bylaw is an indication that noise may be an annoyance.

4. The applicant is responsible to obtain any Provincial approval which may be required.

5. This approval permits the above noted Business to operate in Parkland County, Spruce Grove and Stony Plain (under the tri-municipal business licence agreement).

SUMMARY OF HEARING

[10] The following is a brief summary of the oral and written evidence submitted to the Board. At the beginning of the hearing, the Board indicated that it had reviewed all the written submissions filed in advance of the hearing.

Development Authority

[11] The Lands are legally described as Plan 6048RS, Block 1, Lot 2, W4-27-54-6-NW, municipally described as 2-54023 Range Road 280. The Lands are located within the Country Residential District (s. 5.1 of the Parkland County Land Bylaw 2017-18 ("LUB")).

[12] The Applicant is proposing the storage of plumbing, gas fitting and landscaping equipment in an existing garage on their property located at 2-54023 RGE RD 280. Additionally, the proposal includes parking one pickup truck, trailer, and skid steer on the Lands. The hours of operation are 7 am to 5 pm, Monday to Saturday. The traffic will only include the resident leaving and returning to the property, with no other employee or client visiting the site.

[13] The current Wetland Inventory does not identify any wetlands within the proposed development area and the Lands are not within a High Priority Landscape as outlined in the Municipal Development Plan Bylaw 2017-14. No offsite environmental impacts are anticipated.

[14] There is no regional plan in place. The Edmonton Metropolitan Region Growth Plan identifies the Lands within the Rural Area of the Metropolitan Region Structure.

[15] The Municipal Development Plan Bylaw 2017-14 ("MDP") provides that the Lands are identified in the following classification: 7-Development Concept Design-Country Residential Area.

[16] The Lands are governed by the Atim Creek Area Structure Plan ("ASP") and are identified as within the "Country Residential Core Area".

a. The ASP supports residential and commercial uses in the Country Residential Core Area that do not exceed the capability of the site ASP 7.1.6, 7.3.5.
b. Lands within the "Country Residential Core Area" are considered residential lands. When approving a development for commercial use, the County will consider if the proposed site is suited for the proposed use, if it is separated from other commercial uses to avoid the creation of a commercial node, the proposed use is compatible with land uses in the vicinity, and the subject parcel is designated with a land use district that accommodates the land use (ASP 7.3.5).

[17] The Development Authority determined that the use is a Home-Based Business Level 2 which is defined as:

> an occupation, trade, or craft for gain or support, and is secondary to the principal residential use. It may include some client visits and the parking of one commercial vehicle and may not include on-site employees except the resident and the resident's family who permanently reside in the dwelling. Typical secondary uses may include massage therapy, spa/esthetics services, dog grooming, landscaping/snow removal, dressmaking, hairdressing, home crafts and handicrafts, picture framing, delivery services, mobile food vendors or caterers, individual instruction to students, off-site mobile repairs and installation, janitorial services, mobile entertainment services and the carrying out of minor household appliance repair and automotive repair (does not include autobody repair). (LUB, S.20.3).

[18] Home-Based Business Level 2 is a discretionary use in the Country Residential District. In relation to the regulations, the following table sets out the section of the LUB providing a regulation and includes comments on whether the proposed development complies with the regulation.

	Regulation	Comment
s12.8.2 a)	No outside storage of goods, materials, commodities, or finished products shall be permitted.	Storage is confined to an indoor area (existing garage).

	Regulation	Comment
12.8.2 b)	No variation from the external appearance and residential character of land or buildings shall be permitted.	The Applicant has not proposed any new buildings, modifications to existing buildings, or modifications to the land to accommodate the business. All storage is to occur indoor, with only the vehicle, trailer and skid steer outside.
12.8.2 c)	The use shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.	Other than the resident employees, the application does not propose employee or client related trips to the property.
12.8.2 d)	The display or placement of signage on the premises of a Home-Based Business Level 2 shall be in accordance with Subsection 15.3.	No signage is proposed as part of the Home-Based Business application.
12.8.2 e)	The Home-Based Business Level 2 use shall not generate noise, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority.	No offensive offsite impacts are anticipated from the proposed business operations on the property (storage of goods, parking of commercial vehicles and accessory trailer/skid steer).
12.8.2 f)	At all times the privacy of the adjacent residential parcels shall be preserved and the home-based business shall not unduly offend neighbouring or adjacent residents by way of excessive lighting, late calling of clients of an unreasonable number, traffic congestion, or excessive on-street or off-street parking, etc.	No client visits, employee visits, additional lighting, or activities generating an excessive amount of noise have been proposed for this development.
12.8.2 g)	The parking of one (1) commercial vehicle with one (1) accessory trailer such as a dual axle gravel truck with pup, trailer carrying a small backhoe, bobcat or similar, tractor unity only (no trailer) or a three (3) ton truck or like type vehicle may only be allowed by the Development Authority on a discretionary basis.	The application proposes the parking of one (1) 1-ton truck, trailer, and skid steer on the parcel. The parking area is located on the driveway and to the side of the existing garage proposed for business use.

	Regulation	Comment
12.8.2 h)	Only the resident and the resident's family who permanently reside in the residential dwelling on the subject Parcel may be permitted as employees.	The application does not propose any on-site visits of non-resident employees to the site.

[19] In the opinion of the Development Authority, the proposed activities on the Lands meet the intent of the definition and regulations for Home Based Business Level 2. The Development Authority took into consideration the following:

1. Proposed Land Use
- Home Based Business Level 2 is a Discretionary Use within the Country Residential District
- Home Based Business Level 2 is not included as a prohibited use within a Multi-Parcel Residential Subdivision (LUB Section 5.3.2)
- The proposed development meets the requirements for Home Based Business Level 2 as outlined in Section 12.8 of the Land Use Bylaw.

2. Relevant Planning Documents
- The governing Area Structure Plan (Atim Creek) supports commercial development within the Country Residential Core Area.
- Home-Based Business development is supported throughout the County within the Municipal Development Plan (MDP Section 5.0).

3. Adjacent Land Use
- The Development Authority is of the opinion that the proposed development is compatible with surrounding adjacent land uses (residential).
- The Development Authority considered the proposed hours of operation, limited number of employees and client visits, and the suitability of the existing site to accommodate the proposed use (existing buildings, indoor storage, minimal parking), and determined that the proposed development would not unduly affect the use and enjoyment of the adjacent residential uses.

[20] In response to Board questions, the Development Authority advised that the area is the Rolling Hills subdivision.

Appellants – Stefan and Birgit Koester

[21] The Appellants, Stefan and Birgit Koester, live north of the Lands, but within the notification distance from the Lands. They have lived in the area for 20 years, and know their neighbours. The subdivision is a quiet one with people able to walk on the road and abundant wildlife. They are concerned that if the proposed development is approved, the subdivision will lose its character.

[22] They stated that there is lots of noise and movements and if there is a landscaping business and materials are retrieved from the Lands five times a day, there will be 10 traffic movements passing their entrance. They have their own business doing basement development.

They get their material from their supplier and go to the job site. They do not store any materials at their property. The neighbours who previously lived on the Lands were in their 90s. The Appellants stated that there have been significant changes with a big truck and trailer and a bobcat moving around. Traffic from the lands has to pass the Appellants' property which disturbs them when they are having coffee or playing the piano. They feel the vibration from the truck and the equipment. The wildlife would also be threatened by the noise.

[23] The Appellants do not want to see a change to their subdivision which has been quiet. They did suggest that if the hours were reduced and excluded the weekend, that would help. They expressed their concern that they did not know about the Applicant's plans until they received the notice of the development permit. They also stated other neighbours did not receive notice.

[24] The Appellants noted that the Applicant had not come by to introduce himself and had this been done, the Appellants would have had a better idea of what the Applicant was seeking to do. The Appellants were of the view that the business was a commercial business and ought to be in an industrial area, not a residential one, where people want peace and freedom. If the proposed development is approved, then there may be more traffic in the subdivision, which would change the character of the subdivision.

[25] The Appellants noted that there are other home-based businesses in the area, including a hairdressing business. However, they felt that the traffic to and from this other business did not have commercial vehicles. They indicated that it was not possible to store landscaping materials such as mulch, etc. in a small garage.

[26] In response to Board questions, the Appellants stated:

a. They believe the business has been operating for 2 months;
b. Their property is approximately 4 acres;
c. Twenty years ago, they and others in the subdivision paid for an asphalt road through the subdivision. It is currently dipping from the heavy weight on it, and there is dirt on the road which was not there before. The side of the asphalt road is crumbling;
d. In their view, there is more traffic than normal. They could not provide specifics since they are out during the day working; and
e. In their view the noise seemed very loud.

Applicant – PWR Contracting by their agents: Ryan and Peyton Creelman

[27] Mr. Ryan Creelman and Peyton Creelman, on behalf of PWR Contracting (the Applicant) made a presentation.

[28] The Applicant advised that they do not bring or store material, including sod, gravel or mulch on the Lands. They have the materials brought to the site that they are working. The only thing that comes to the Lands at night is the truck, the trailer and the skid steer. They bring home the vehicles at night for security reasons The trailer is only 14 feet and does not need

commercial insurance (although they have it). The trailer is not heavy enough to cause damage to the road.

[29] The only material that has been on the Lands is material in relation to the work that they have done on the house on the Lands. The house (built in 1972) has needed significant repair, including a concrete pad to replace a rotten deck.

[30] The Applicant advised that there are other home-based businesses in the subdivision, although they do not know if they are Level 2 or otherwise. These businesses include a bin business and a hotshot business and a hairdressing/massage business. The Applicant does not run equipment on the Lands, except for their personal use to fix the Lands or the house on the Lands.

[31] They do not wish to disturb their neighbours, and have spoken with their immediate neighbours on both sides, but have been very busy and have not spoken with the Appellants.

[32] They do not come home 5-6 times during the day when they are working. They leave in the morning, and come back at night. The Applicant stated that he works at NAIT during the winter or has jobs at various places so he leaves at 6:30 am and returns late at night.

[33] The Applicant stated that they need to add gravel to their driveway, which is why the road is getting dirty. They are upgrading one thing at a time on the Lands as the house was not livable when they bought it.

[34] In response to Board questions, the Applicant stated:

a. They do not carry gravel to their acreage and then to a job site. The only materials they carry to the Lands are materials for their property;
b. They store plumbing and gas materials on site but they are in Rubbermaid totes. The storage is in the garage. There will be no outside storage.
c. There are several home based businesses in the subdivision including S&B Contracting (the Appellants' business); a hot shot company who drive in and out with a trailer several times a day; a hairdresser/massage therapist; and a bin rental business hauling bins in and out; and
d. Their long-range plan is to buy more land to start farming.

FINDINGS OF FACT

[35] In addition to the specific facts set out under the Board's reasons, the Board finds the following as facts.

[36] The Lands are located at 2, 54023 Range Road 280, Parkland County, legally described as Plan 6048RS, Block 1, Lot 2, NW 6-54-27-W4M, Parkland County.

[37] The Lands are zoned Country Residential.

[38] The proposed development is a Home-Based Business Level 2.

[39] The proposed development is a discretionary use in the Country Residential District.

[40] The proposed development is compatible with neighbouring uses.

[41] The proposed development complies with the relevant statutory plans.

[42] The appeal was filed on November 22, 2023.

[43] The Appellants are affected persons.

[44] The Applicant is an affected person.

REASONS

Affected Persons

[45] The Board must determine whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to those making submissions to the Board; however, the Board wishes to review this issue for completeness.

[46] The Appellants are neighbours in close proximity to the Lands. Due to the proximity to the proposed development, the Board finds that the Appellants are affected by the proposed development.

[47] The Applicant is the applicant for the development permit. Since it is the Applicant's permit under appeal, the Board finds that the Applicant is affected by the proposed development.

Jurisdiction and Issues to be Decided

[48] The Board's jurisdiction is found in section 687(3) of the MGA.

> **687(3)** In determining an appeal, the board hearing the appeal referred to in subsection (1)
> (a) repealed 2020 c39 s10(52);
> (a.1) must comply with any applicable land use policies;
> (a.2) subject to section 638, must comply with any applicable statutory plans;
> (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
> (a.4) . . .
> (b) . . .
> (c) 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;
> (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
> (i) the proposed development would not
> (A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

[49] In its decision, the Board must determine:

a. Does the proposed development comply with the applicable statutory plans?

b. What is the use?

c. Is the use authorized within the Country Residential District?

d. Is the proposed development compatible with adjacent uses?

e. Are any variances to the regulations under the LUB required?

[50] In making this decision, the Board has examined the provisions of the MGA and has considered the oral and written submissions made by and on behalf of those who provided evidence: the Development Authority and the Appellants, and the Applicant.

Does the proposed development comply with the applicable statutory plans?

[51] The first question the Board must address is whether the proposed development complies with the applicable statutory plans.

[52] The only evidence before the Board was provided by the Development Authority. The Development Authority's evidence (see paragraphs [13] to [16] above) was that the only applicable statutory plans are the County's MDP and Atim Creek ASP. The Development Authority's evidence is that the proposed development is supported by the provisions of the County's MDP which supports home based businesses (s. 5.095), and the Atim Creek ASP which supports commercial development within the Country Residential Core Area (s. 7.3.5).

[53] The Development Authority's evidence was not contradicted by any other evidence. In the absence of any contradictory evidence, the Board is prepared to accept that evidence of the Development Authority that the proposed home-based business is supported by the County's statutory plans and finds as a fact that the proposed development complies with the applicable statutory plans.

What is the use?

[54] The Appellants argued that the proposed development was more than a home-based business. Therefore, the Board must determine what is the use applied for. Does it fall within the definition of a Home-Based Business Level 2?

[55] To be a Home-Based Business Level 2, the proposed development must:

a. must an occupation, trade, or craft for gain or support, and
b. must be secondary to the principal residential use;
c. may include some client visits and the parking of one commercial vehicle; and
d. may not include on-site employees except the resident and the resident's family who permanently reside in the dwelling.

[56] The Board notes that the evidence presented establishes:

a. The proposed development is an occupation for gain or support. The Applicant advised that the proposed development is in support of this business which he conducts. The Board accepts the evidence, which was uncontradicted, and finds that the proposed development is an occupation for gain or support.

b. The Applicant advised that they live in the house, and they conduct their business at customers' locations. They do not conduct their primary business at the house. Rather, they travel to customer locations to conduct the business. They wish to park their vehicle, trailer and skid steer at the Lands. This evidence was also uncontradicted. Based on the uncontradicted evidence, the Board finds as a fact that the proposed development is secondary to the principal residential use.

c. The evidence of the Applicant was that they will not have client visits, but they wish to park their truck on the Lands. This evidence was also uncontradicted. Based on the uncontradicted evidence, the Board finds as a fact that the proposed development will include the parking of one commercial vehicle.

d. The evidence of the Applicant is that there will not be any on-site employees except the Applicant. This evidence was also uncontradicted. Based on the uncontradicted evidence, the Board finds as a fact that the proposed development will not have any on-site employees except the Creelmans.

[57] Based on the evidence presented, the Board finds that the proposed development meets all of the elements of a Home-Based Business Level 2. Although the Appellants argued that the business was commercial in nature, the Appellants provided no specific evidence in support of this argument. The Appellants provided only general statements about the amount of vehicle traffic. These statements were contradicted by the Applicant who indicated that it would not be making multiple business trips to the Lands during the day. The Applicant also noted that it had been doing upgrades on the home on the Lands for their personal use. The Board prefers the evidence of the Applicant because the Applicant had more details about what it was doing on the Lands. Further, even if the Applicant did make a number of business trips during the day, the Board finds that the definition of Home-Based Business Level 2 does not prevent the Applicant from making multiple trips from the Lands. The Board is not persuaded by the Appellants' evidence that the proposed development is a commercial use.

Is the use authorized within the Country Residential District?

[58] The Board must address the nature of the use. As set out above in paragraph [18], Home-Based Business Level 2 is a discretionary use in the Country Residential District.

Is the proposed development compatible with the adjacent uses?

[59] Having concluded that the use (Home Based Business Level 2) is a discretionary use, the Board must assess the compatibility of the proposed development with adjacent uses.

> The object and purpose of a discretionary use is to allow the development authority to assess the particular type and character of the use involved, including its intensity and its compatibility with adjacent uses.[1]

[60] The Appellants raised several concerns about the proposed development which could impact its compatibility with neighbouring uses:

a. Offensive noise disturbing their peace and quiet;
b. Smoke, odour, dust, fumes;
c. Vibrations;
d. Dirt on the road;
e. Traffic; and
f. Privacy.

Offensive noise, disturbing peace and quiet

[61] In their letter of appeal, the Appellants stated that the proposed development would cause offensive noise, disturbing their peace and quiet. In their oral testimony, the Appellants stated that the truck was noisy and it disturbed them, particularly the sound of metal pipes.

[62] The Applicant stated that the only plumbing supplies on site from the business were in Rubbermaid totes. The Applicant also noted that it had been doing work on the Lands to deal with necessary upgrades due to the poor state of the house. The Applicant stated that it would be leaving the Lands early in the morning, and returning in the evening and would not be coming and going for business reasons.

[63] Both the Appellant and the Applicant indicated that there are other home-based businesses in the subdivision, including a hot shot business and a bin business.

[64] In looking at this evidence, the Board finds that the proposed development does not create incompatibility with the neighbouring uses on the basis of noise for the following reasons. First, the Applicant stated they would only be driving in and out of the Lands once per day for business. This is no different than what the Appellant does and is not so different as to create inconsistency. Second, there are other home-based businesses, some of which have more traffic to and from their sites each day. A trip in and out in a day is less intrusive than those other home-based

[1] Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board), 2009 ABCA 261.

businesses, which the Appellants indicated did not cause them concern. Third, the Applicant indicated that they were doing work on their home and the Lands to upgrade them for their personal use. The Board understood that some of the noise was coming from this aspect of their use of the Lands. This aspect is not related to the proposed development and therefore should not be considered when taking into account whether the proposed development will create noise of a sufficient impact as to make it incompatible.

[65] Condition 7 imposed by the Development Authority require the storage to be inside the garage, with no outdoor storage. The Board agrees that this condition should minimize the possible impact on the Appellants of any noise. The Board has modified this condition slightly to make clear that all storage for the proposed development must occur inside the building. Further, in light of information set out in the Development Authority's report that the Applicant intends to operate only Monday to Saturday, the Board has imposed a new condition that the Applicant does not operate on Sundays. This condition should not impose hardship on the Applicant as the information is that they did not intend to operate on Sundays in any event, but should provide the Appellant certainty as to when there will not be home based business operations on the Lands.

Smoke, Odour, Dust and Fumes

[66] The Appellants' notice of appeal noted that there would be smoke, odour, dust and fumes making it incompatible with neighbouring uses. During their oral testimony, the Appellants provided no evidence about this aspect of the proposed development. In light of the Applicant's evidence that the storage will be inside the garage and that they will be conducting their business on customers' sites and only driving in and out once a day, the Board does not accept that the proposed development will cause smoke, odour, dust or fumes.

Vibrations

[67] The Appellants raised the fact that the Applicant's truck on the road past their house causes vibrations which interferes with his playing the piano. The Board accepts the Appellants' evidence on this point. In considering whether the impact of vibration results in the proposed development being incompatible, the Board's conclusion is that it does not. The Applicant's vehicle is a 3500 which is a large vehicle, but is not necessarily a commercial vehicle. Anyone can own a 3500 and use it for personal use. The impact from vibration could result even without the proposed development. Further, some of the vibration the Appellant has experienced appears to have come from the Applicant doing personal work on the house on the Lands. Therefore, the impact is not from the proposed development, and should decrease as the house is upgraded.

[68] The Board finds that the proposed development is compatible with neighbouring uses in relation to vibrations.

Dirt on the Road

[69] The Appellants stated that there is dirt on the road from the proposed development. The Applicant agreed, but indicated that the dirt is coming from their driveway, which needs gravel. The Applicant indicated they are upgrading the house on the Lands, doing one upgrade at a time.

They recognize that there might be dirt now, but that once the drive is re-gravelled, there should not be issues.

[70] The Board concludes that the dirt on the road does not make the proposed development incompatible with neighbouring uses, as the source of the dirt is from the driveway which needs gravelling, rather than from the proposed development.

Traffic

[71] The Appellants stated that the proposed development will increase the amount of traffic significantly, resulting incompatibility with neighbouring uses.

[72] The Board notes that the evidence was contradicted that there are several home based businesses in the subdivision, some of which have multiple customer visits during the day, like the hairdresser or the hotshot business.

[73] Based on the evidence that the there are several other home-based businesses, and some with a number of vehicle trips per day, the Board is not prepared to find that the one trip in and one trip out per day that the Applicant indicates they will conduct with their vehicle, trailer and skid steer will result in an incompatibility between the proposed development and the neighbouring uses.

Privacy

[74] The Appellant raised that there may be an impact to their privacy. The images provided as part of the Development Authority's submissions (see pages 43-44/61) show how treed the area is. Based on the amount of tree coverage, the Board does not accept the Appellants' argument that the proposed development would create incompatibility with neighbouring uses.

Conclusion

[75] For the above reasons, the Board dismisses the appeal and issues the development permit subject to the conditions set out at paragraph [9], above.

[76] The Board does note that some of the issues arising on this appeal arose due to the Appellants not being aware of what the Applicant had proposed for its business and notes the value of communication between neighbours as a way to avoid neighbourhood friction.

[77] Issued this 18th day of January, 2024 for the Parkland County Subdivision and Development Appeal Board.

B. Williams, Clerk of the SDAB, on behalf of D. Smith, Chair
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to Section 688 of the Municipal Government Act, RSA 2000, c M-26.

APPENDIX "A"
REPRESENTATIONS

	PERSON APPEARING
1.	Karen Kormos, Manager of Development Planning and Safety Codes
2.	Kristen Hoberg, Development Planner I
3.	Stefan and Birgit Koester
4.	Ryan and Peyton Creelman

APPENDIX "B"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

January 15, 2024 Agenda Package			
Exhibit	Description	Date	Pages
1.	Agenda Coversheet	January 15, 2024	1
2.	Table of Contents	January 15, 2024	2
3.	Notice of Appeal	November 22, 2023	3
4.	Subdivision and Development Appeal Board – Waiver Form - Appellants	November 29, 2033	5
5.	Subdivision and Development Appeal Board – Appeal Receipt	November 11, 2023	6
6.	Subdivision and Development Appeal Board – Waiver Form – Applicant	December 4, 2023	7
7.	Hearing Notification	December 5, 2023	8
8.	Submission Development Authority Report	January 8, 2024	10
9.	Submission Development Authority Presentation	January 8, 2024	38