

REPORT TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

v: 2022Nov8

Appeals Received: Oct. 11 2022	File: ISDAB2022 – 10.11 Development Permit: 532532-22-D0089
Appellant: Curt Panisiak	Fee Paid: Complete
Development Authority: Darryl Drohomerski, C.E.T, CAO Antonia Knight; Development Officer in Training	
Regarding a Decision of the Development Authority: New Construction- Accessory Building – 32'x40' – In Conveyance Zone, with 50% Side Yard Variance and 20% Front Yard Variance Refused Property: L. 12-14, B.1, P.4128EQ Date of Decision: Oct 6, 2022 End of Appeal Period Date: Oct 27, 2022	Land Use Designation: Country Residential
Hearing Date: Wednesday Nov 9 th , 2022 – 9:30am	Location: Hybrid Meeting: In person: Town Hall, Council Chambers 224 Centre Street, Drumheller ZOOM Online Platform: Links will be sent out closer to the meeting date Live Stream: Drumheller Valley YouTube

REPORT TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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RECEIVED OCT 11 2022



Intermunicipal Subdivision and Development Appeal Board
Notice of Appeal

I/We hereby appeal the decision, order or permit issued by the Development Officer/Municipal Planning Commission with regards to:

Decision: Refusal

Order (dated): Oct 6th / 2022 Permit No.: 532532-22-D0089 ^{T00089-220}

Proposed Development: Development of garage

Reason for Appeal: see attached letters

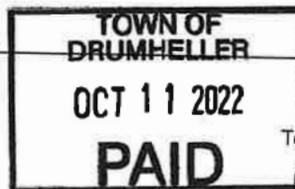
Name: Curt Ponisak

Address: [Redacted]
Telephone: [Redacted]

Fee Submitted: \$257.50 Date: _____

Town of Drumheller
224 Centre Street
Drumheller, AB T0J 0Y4

MS-301120



Telephone: (403) 823-1339
E-mail: cao@drumheller.ca

Town of Drumheller, Municipal planning commission.
 Appeal to refusal of development permit # 532532-22-D0089

Here is our response with regards to the refusal for development permit. The reasoning sent back to us was pertaining to conveyance zones;

2.5.3 (2) No development shall be allowed within the conveyance zone that has the potential to increase the obstruction of floodwaters or potential for a detrimental effect on the hydrological system, water quality, or on existing development.

This development is going in an area where there is already a home, an isolated home sitting next to 27 acres(which we own). This development will not obstruct floodwaters in any "detrimental ways". Same is true with water quality. If this area is flooding we want to have explanation on how 1 garage will make or break the water quality. Its not as if we are developing in an area that has no homes at all, garages have been built for years here and this was never an issue.

During the meeting on October 6th, The only explanation we were given was that the committee is "not comfortable" and the rules are that "no development shall be done on conveyance zones".

I would like to point out the area in the LUB that speaks on variance powers.

5.5.1 The development authority or subdivision authority may approve at their discretion, with or without conditions, and application for development that does not comply with this bylaw where the proposed development, with variance would not.

- (1) unduly interfere with the amenities of the neighborhood
- (2) Materially interfere with or affect the use, enjoyment, or value of neighboring properties
- (3) the use proposed is allowed by the bylaw.

The development we are proposing will fit all of these. There is no way that this garage is going to detrimentally affect the neighborhood.

Also during that meeting the cameras were shut off and we feel that there was discussion that occurred around this development that we should have access to. When the cameras came on it was a short "not comfortable" reason and its not enough.

As well as with all these reasons, attached to this letter is an email where in discussion with the CEO of Drumheller we were told this application would be approved. We purchased the home we are in under that understanding. We also agreed to sign a release of liability with regards to the garage. So the reason of " not comfortable" doesn't make any sense as we are taking all the risk.

We know that the town can approve this development, we see current developments going on at this moment that are in a conveyance zone.

With regards to the birm, we are under the understanding that there is no funding for the Rosedale birm, Its completely up in the air and it is not fair to the people of this community that you exercise such decisions on an if or a maybe.

We ask that you please reconsider your decision.

Holly and Curt Panisiak



Print Cancel

RE: Rosedale Panisiak

Darryl Drohomerski <DDrohomerski@drumheller.ca>

Tue 2022-07-12 5:52 PM

Cc: Heather Colberg <HColberg@drumheller.ca>; Antonia Knight <AKnight@drumheller.ca>

Hi Holly and Curt

I am glad we got to see each other in person today.

To confirm our discussion today, a good part of Rosedale is in the new Floodway as determined by the Province, including your property. That being said, we will grant the development permit for an accessory building up to 40'x40' (per your application) with the caveat that the owners of the property sign an agreement absolving the Town and its employees from harm caused by any damage by a flood in Rosedale to either their own property or any other property the accessory building may damage if dislodged from the base. This caveat would go on the property title and only be removed when a berm is constructed in Rosedale.

We will have the agreement drafted by our lawyer asap but it won't delay the permit approval.

Please contact Antonia to confirm if the application needs to be changed and to pay the fee for the permit.

Thanks



**DARRYL DROHOMERSKI,
C.E.T.**

Chief Administrative Officer

Phone 403-823-1312

Mobife 403-334-0359

Web www.drumheller.ca

Email ddrohomerski@drumheller.ca

224 Centre Street

RECEIVED OCT 11 2022

E-MAILED SEP 14 2022



APPLICATION FOR DEVELOPMENT PERMIT

Town of Drumheller
224 Centre Street
Drumheller, AB T0J 0Y4
E-mail: development@drumheller.ca
Tel: 403-823-1310

I/We hereby make application for a development permit under the provisions of the Land Use Bylaw for the Town of Drumheller in accordance with the plans and supporting information submitted herewith which form part of this application. Personal Information is being collected for the purpose of "Development Control, Land Use Planning and Safety Codes Permits" pursuant to the provisions of the Municipal Government Act and its regulations, and pursuant to Section 32(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of your personal information, you may contact the F.O.I.P. Coordinator at (403) 823-1339.

APPLICANT: Curtis Panisiak PHONE NO.: [REDACTED]
MAILING ADDRESS: [REDACTED] POSTAL CODE: [REDACTED]
PROPERTY OWNER: [REDACTED] PHONE NO.: _____
MAILING ADDRESS: [REDACTED] POSTAL CODE: _____
EMAIL OF APPLICANT: [REDACTED]

CONTRACTOR (if applicable): DBARD Building Systems

LOCATION OF PROPOSED DEVELOPMENT:
AREA/SUBDIVISION: _____ CIVIC ADDRESS: 385 Stormine Drive

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Plan _____ Sec. _____ Twp. _____ Rng. _____ W4th _____

EXISTING USE OF PROPERTY: Residential ZONING: Country Residential

DEVELOPMENT DETAILS:
Garage Build
32x40x16
Removal of 3 sheds to south of property.

SETBACKS OF DEVELOPMENT (DISTANCE FROM PROPERTY LINES): -Setbacks on drawing
FRONT: 26' (7.9m) REAR: 10' (3.0m) RIGHT: 3' (0.9m) LEFT: 3' (0.9m)
COST OF DEVELOPMENT: \$50,000 EST. COMMENCEMENT DATE: November 2022

OTHER SUPPORTING MATERIAL ATTACHED REGARDING DEVELOPMENT:
 SITE PLAN (WITH DIMENSIONS AND PROPERTY LINES) PLAN/DRAWINGS
 EXTERIOR FINISHING WITH PROFILE
 PARKING PLAN
 (BUILDING) FLOOR PLAN
 LETTER OF INTENT
 OTHER: _____
 ELEVATIONS

NOTE: PLEASE BE AWARE THE COMPLETION OF THIS FORM DOES NOT DEEM THE APPLICATION COMPLETE. THIS IS NOT A BUILDING PERMIT (Such permit must be obtained separately). The applicant is not excused from complying with the requirements of any federal, provincial or other municipal legislation, or the conditions of any easement, covenant, building scheme or agreement affecting the building or land.

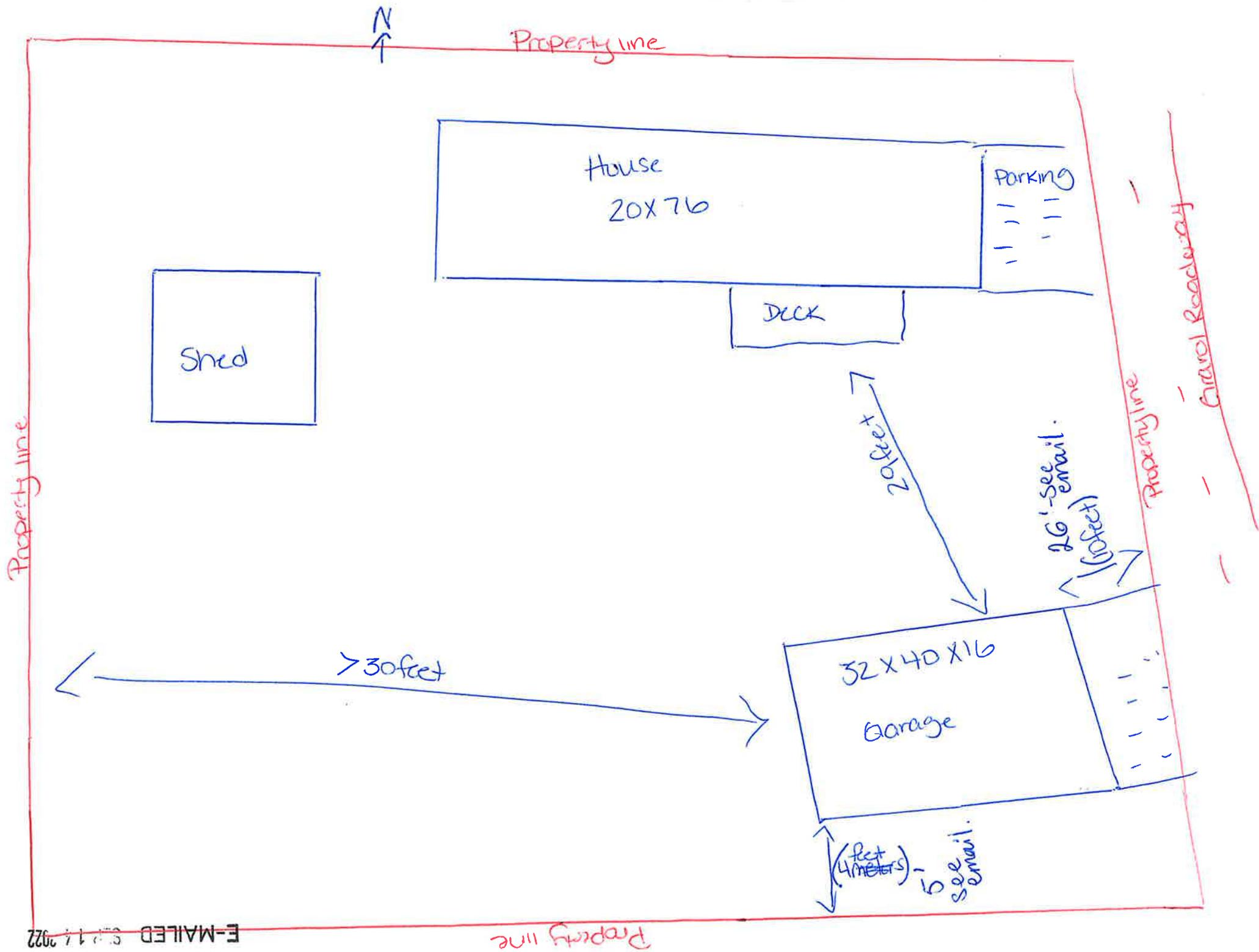
APPLICANT SIGNATURE: [REDACTED] DATE: September 9th / 2022
PROPERTY OWNERS SIGNATURE: _____ DATE: _____
Authorization Attached

(For office use only)
PERMIT FEE: \$87.50
RECEIPT #: 300453
RECEIVED BY: Antonia
Roll # 16016701

PAYMENT TYPE: Debit
TOWN OF DRUMHELLER
SEP 14 2022
PAID

DEVELOPMENT PERMIT
T00089-22D

17.6% Coverage



E-MAILED SEP 17 2022

To Whom it may concern/Town of Drumheller

September 7/22

I Curtis Panisiak have purchased my parents home Harold and Jocelyn Panisiak located at 385 Starmine drive in Rosedale Alberta. I am applying for a Development permit to build a garage on said property. Closing date for sale was August 17/22. As my parents are still on land title (due to land titles being behind) Here is the authorization that we are able to apply for this permit. Contact information for Harold and Jocelyn- [REDACTED] if you have any questions for them.

I will sign a release of liability in regards to this development as per previous discussions with CEO Darryl Drohomerski.

[Handwritten signature of Curtis Panisiak]
[REDACTED]

Curtis Panisiak

[Handwritten signature of Harold Panisiak]
[REDACTED]

Harold Panisiak

[Handwritten signature of Jocelyn Panisiak]
[REDACTED]

Jocelyn Panisiak



D-Bar-D Building Systems
11 Coopers Close SW Airdrie, AB T4B 2X1
Phone: (403) 912-9600
Fax: (403) 948-2808
Toll Free: (877) 912-9607
E-mail: info@dbardbuildingsystems.com
Website: www.dbardbuildingsystems.com

Date: September 9th, 2022

File: 125324

SENT VIA EMAIL: [Redacted]

Curtis & Holly Panisiak
Rosedale, AB

ATTENTION: Curtis & Holly Panisiak

RE: Post Frame Shop 32'x40'x16'

We are pleased to submit our quotation for work at the above project as follows. This quote will be valid for 2 weeks (September 22nd, 2022).

Included in this package are the following:

1. a) Exterior Shell

- Full Erection of Structure near Rosedale, Alberta (Labour & all Materials)
• Engineered Stamped Drawings
• 2x8 Laminated Posts (Various Ply's Due to Loading)
• Commercial Vaulted Trusses @ 4' O/C
• 2x6 Strapping on Exterior Walls
• 2x6 Strapping on Roof
• 29 Ga. Painted Metal Cladded Walls and Roof
• 24 or 26 Ga. Painted Metal Trims
• Engineered Hurricane Truss Tie-Downs for Uplift Protection
• (1) 12'x14' Overhead Door with Chain Hoist (Installed)
• (1x) 3'x6'8" Standard Man-Door
• (6x) 48"x36" Picture Window

The building package comes with complete with all other necessary flashings and fasteners as required to complete the exterior of this structure.

THE ABOVE FOR THE SUM OF \$ [Redacted] GST

ADD ON:

A.) Soffit & Fascia \$ [Redacted] + GST
(Please note this is included in render picture of building)



PLEASE NOTE:

A. **OUR QUOTATION IS BASED ON:**

1. Goods and Services Tax extra.
2. Provision of engineered stamped drawings.
3. Project based on a preliminary design only and pricing may change pending engineers review, location, soil conditions and county approvals.
4. Preliminary review of site minimum 1-2 weeks prior to construction.
5. Laminated posts to be set to a maximum depth of 6'-0" pending soil conditions.
6. Material prices F.O.B. your job site.
7. Adequate lay down area required for offloading materials.
8. All Payments as per signed schedule and contract upon award.
9. Free and clear access to our work area (minimum 10' perimeter around building required).
10. Building being a minimum of 7 meters from any power lines.
11. D-Bar-D Building Systems standard designs and details.

September 9th, 2022
Post Frame Shop
File :125324
Page 2 of 3



Development Permit Notice of Decision

Permit No.: 532532-22-D0089
File Number: T00089-22D FLOOD
Application Date: Sep 14, 2022
End of Appeal Period Date: Oct 27, 2022

APPLICANT INFORMATION

Curtis Panisiak
385 Starmine Drive
Drumheller, Alberta
T0j 0y9

PROPERTY ADDRESS

385 Starmine Drive
Drumheller
Rosedale
Lot 10, Block 12, Plan 1313072
Roll No: 16016701

Application Complete Date: Sep 26, 2022
Decision Date: Oct 6, 2022
End of Appeal Period Date: Oct 27, 2022

Decision: New Construction – Accessory Building –
32'x40' – In Conveyance Zone, with 50%
Side Yard Variance and 20% Front Yard
Variance **Refused**

Municipal Planning Commission
Development Officer: Darryl Drohomerski

REASON FOR REFUSAL

Application lies within the Flood Hazard Overlay - Conveyance Zone.
Municipal Planning Commission not at liberty to approve a caveat to be registered on Title
in order to allow construction before flood protection measures are built to protect
development within the area.

2.5.3 Conveyance Zone Uses and Regulations

- (1) The following uses shall be allowed in the Conveyance Zone, when listed as a permitted use or discretionary use in the underlying Land Use District:
 - (a) Agriculture – General; and
 - (b) Recreation – Non-Intensive.

- (2) No development shall be allowed within the Conveyance Zone that has the potential to increase the obstruction of floodwaters or potential for a detrimental effect on the hydrological system, water quality, or on existing development.
- (3) New development and structural alterations to existing development is not allowed except to:
 - (a) Accommodate public utilities, including flood mitigation structures and erosion control measures;
 - (b) Replace an existing building or structure on the same location, and for the same use, provided that the flood hazard can be overcome, as demonstrated by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta, and in a manner that is acceptable to the Town, including meeting flood construction level requirements; and
 - (c) Renovate an existing building or structure, provided that:
 - i. There is no increase to the floor area below the flood construction level; and
 - ii. The renovation does not create a new Dwelling Unit.
- (4) No structures shall be constructed on, in, or under lands subject to the Conveyance Zone, unless, to the satisfaction of the Development Authority, there will be no obstruction to floodwaters and no detrimental effect on the hydrological system or water quality, including the natural interface of the riparian and aquatic habitat.

DEVELOPMENT PERMIT

This permit is issued subject to the following conditions:

- a. That the development or construction of the said land(s) will not begin until after the **End of Appeal Period Date**.
- b. That the development or construction shall comply with the conditions of the decision herein contained or attached.
- c. That the development or construction will be carried out in accordance with the approved plans and application.
- d. Should you wish to appeal this decision, an appeal may be made to the Secretary of the Development Appeal Board within **21** days of the **Decision Date**.
- e. That this permit shall be invalid should an appeal be made against the decision. Should the Development Appeal Board approve this issue of this permit, this permit shall be valid from the date of decision and in accordance with the conditions of the Development Appeal Board.



ISDAB Committee
c/o Denise Lines, ISDAB Clerk
Town of Drumheller

November 7, 2022

RE: Appeal Hearing for Application T00089-22D FLOOD

This letter is in response to the appeal brought forward for the Development Permit refusal for the Accessory Building – 32'x40' – In Conveyance Zone, with 50% Side Yard Variance and 20% Front Yard Variance. Below are the facts that helped form the decision-making process for the refusal by the Development Authority (DA). Much of this information pertains to previous history with the applicant. This information may not pertain specifically to application T00089-22D FLOOD, however is provided as background information.

Pre-Application Phase

The applicant begun requesting approval for construction in Rosedale at various lots since at least March 2021. Initially, the applicant had sent emails to Palliser Regional Municipal Services, the Development Authority and the Chief Resiliency & Flood Mitigation Officer of the time.

On February 4, 2022 the applicant submitted an application to move a modular home onto their lot located at SE-28-28-19-4, Pinter Drive, Rosedale. At the time of receiving the application form, payment was not taken and the application was not processed for the following reasons;

1. The application was within the Conveyance Zone of the Land Use Bylaw and therefore the Development could not have been permitted;
2. The application was not considered complete.

The applicant began contacting the Flood Office via the newly appointed Flood Resiliency Project Director to discuss ways in which the application could be approved. Due to the February 4, 2022 application not being accepted. The Applicant, Development Authority and Flood Resiliency Project Director met on March 7, 2022 in regards to the relocation of a Modular Home onto the previously mentioned lot on Pinter Drive. At the time of that discussion, it was suggested that the Modular Home may be raised on piles above the Flood Elevation Level. After discussions with the Town lawyers, it was decided that this was not a recommended option.

Through various emails in May 2022 between H. Panisiak and the Development Authority, the applicant outlined that they would be “definitely leaning towards waiting for the berm to be done to put on a home”. After, the Development Authority clarified to them that once the Berm is built The Town could relax the requirement to construct to the flood construction level. Which would allow applicants to build closer to existing ground on your property.

The Applicants and Development Authority met July 8, 2022 to discuss the placement of a 40'x40' shop on their parent's land, this discussion led to the application of T00089-2DD.

In an effort to be accommodating, and despite stressing to the Applicants that it was in their best interest to not construct prior to the property being protected by a berm, the Development Authority agreed to grant the development permit for an accessory building up to 40'x40' with the caveat that the owners of the property sign an agreement absolving the Town and It's employees from harm caused by any damage by a flood in Rosedale to either their own property or any other property the accessory building may damage if dislodged from the base. This caveat would go on the property title and only be removed when a berm is constructed in Rosedale. This information was provided to the Applicant on July 12, 2022 via email – **Attachment 1.**

The Development Authority must stress, that at all times within the discussions of relaxing the Town of Drumheller Land Use Bylaw 16.20 the Applicant was advised to wait until a flood mitigation structure had been built. However when discussed in July 2022, the Town still expected to construct a berm in Rosedale in 2023 as originally intended, so the idea of granting a permit for one flood season did not seem unreasonable.

If the Development Authority had known at that time that a berm would likely not be constructed in 2023, we would not have accepted the application.

Application T00089-22D

The application got T00089-22D was submitted in person and paid for by H. Panisiak on September 14, 2022.

Upon review on September 20, 2022, A. Knight, Development Officer in Training contacted H. Panisiak to discuss the setback requirements for Accessory Buildings within the Countryside District. As the application did not meet the minimum required setbacks of 10 meters for the front Setback and Minimum of 3 Meters of the Side Setback.

In the past, the Development Officer has approved variances of up to 10%. If an application outlines a requested variance of over 10%, the application is presented to the Municipal Planning Commission. It was explained to the Applicants that the Municipal Planning Commission has typically approved up to 20%, though as there is no maximum variance outlined in the Land Use Bylaw, the 50% Side Yard Variance and 20% Front Yard Variance requested may be presented to the Commission. Despite this not being specifically within the Land Use Bylaw, it has been accepted as standard practice by the Development Authority.

After discussions, the Applicant made amendments to the requested Setbacks, which are outlined. These are attached within the attached Municipal Planning Commission Agenda package for October 6, 2022- **Attachment 2.**

It was also explained to the Applicant that if the application was being presented to the Municipal Planning Commission, the Commission would review the complete application, including that the application is within the Conveyance Zone, not just the requested variances.

A Complete Application Notice was provided to the Applicant on September 29, 2022 along with information about how to participate in person or online at the October 6, 2022 Municipal Planning Commission Meeting where their application would be discussed.

The application was advertised as under consideration within the September 28th and October 5th editions of the Drumheller Mail – the standard method of advertising of all development permit applications. These advertisements included the application would be considered at the October 6 th, 2022 Municipal Planning Commission meeting.

At the October 6, upon review of the application, the Commission outlined that they were required to review the whole application, not just the consideration of the variance. After an in-camera session lasting 21 minutes, the Commission acting as the Development Authority disagreed that a Caveat could be put in place to authorize the construction prior to the Berm, and instead voted unanimously against the application.

Minutes from this meeting are attached- **Attachment 3**. The full meeting can also be viewed at <https://www.youtube.com/c/townofdrumheller>. Due to the In- Camera session, the video for this meeting is recorded in two sections.

Town of Drumheller Land Use Bylaw 16.20

Within the Maps of the Town of Drumheller Land Use Bylaw 16.20 the area within Rosedale appear to be located within the Protected Zone of the Flood Hazard Overlay. Despite this the application has always been considered within the Conveyance Zone of the Bylaw.

Administration recognizes that the maps within the Land Use Bylaw are inconsistent with the current day construction of the Protection Measures (Berms), The addition of the following from 2.5 FLOOD HAZARD OVERLAY, Subsection 2.5.2 General Regulations

The following regulations apply to all lands within the Flood Hazard Overlay, as identified on the Flood Hazard Overlay Map.

Amended: (9) Subsequent to a flood mitigation **structure** being constructed to protect lands within the Flood Hazard Overlay, and upon confirmation by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta that the lands are protected to the specified elevation of the **flood construction level**, the **Town** may amend the Flood Hazard Overlay Map to remove areas that are appropriately protected. **Notwithstanding the Flood Hazard Overlay maps contained within this Bylaw, for certainty each development and subdivision application shall be reviewed against the Government of Alberta Floodplain mapping and existing protection reviewed to confirm the suitability of the site for development.**

Bylaw # 18.21
Sept 13, 2021

The Application was reviewed against the Government of Alberta Flood Plain Mapping. This mapping was provided to the Municipal Planning Commission within the Supporting Documentation - **Attachment 2**.

When considering the application, the Municipal Planning Commission reviewed Section 2.5.3 Conveyance Zone Regulations and Uses within the Land Use Bylaw. While considering the application, it was determined that the application would be considered within the Conveyance Zone. As per Subsection (3) the Land Use Bylaw outlines that New development and structural alterations to existing development is not allowed, there are few outlines exceptions to this rule however this Development does not fall into within these exceptions.

2.5.3 Conveyance Zone **Uses** and Regulations

- (1) The following **uses** shall be allowed in the Conveyance Zone, when listed as a permitted **use** or **discretionary use** in the underlying Land Use District:
 - (a) **Agriculture – General**; and
 - (b) **Recreation – Non-Intensive**.
- (2) No **development** shall be allowed within the Conveyance Zone that has the potential to increase the obstruction of floodwaters or potential for a detrimental effect on the hydrological system, water quality, or on existing **development**.
- (3) New **development** and **structural alterations** to existing **development** is not allowed except to:
 - (a) Accommodate **public utilities**, including **flood mitigation structures** and erosion control measures;
 - (b) Replace an existing **building** or **structure** on the same location, and for the same **use**, provided that the flood hazard can be overcome, as demonstrated by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta, and in a manner that is acceptable to the **Town**, including meeting **flood construction level** requirements; and
 - (c) Renovate an existing **building** or **structure**, provided that:
 - i. There is no increase to the **floor area** below the **flood construction level**; and
 - ii. The renovation does not create a new **Dwelling Unit**.
- (4) No structures shall be constructed on, in, or under lands subject to the Conveyance Zone, unless, to the satisfaction of the **Development Authority**, there will be no obstruction to floodwaters and no detrimental effect on the hydrological system or water quality, including the natural interface of the riparian and aquatic habitat.

Thank you,

Antonia Knight

Antonia Knight,
Development Officer in Training

Attachment 1

Antonia Knight

From: Darryl Drohomerski
Sent: Tuesday, July 12, 2022 5:53 PM
To: Holly
Cc: Heather Colberg; Antonia Knight
Subject: RE: Rosedale Panisiak

Follow Up Flag: Follow up
Flag Status: Completed

Hi Holly and Curt

I am glad we got to see each other in person today.

To confirm our discussion today, a good part of Rosedale is in the new Floodway as determined by the Province, including your property. That being said, we will grant the development permit for an accessory building up to 40'x40' (per your application) with the caveat that the owners of the property sign an agreement absolving the Town and its employees from harm caused by any damage by a flood in Rosedale to either their own property or any other property the accessory building may damage if dislodged from the base. This caveat would go on the property title and only be removed when a berm is constructed in Rosedale.

We will have the agreement drafted by our lawyer asap but it won't delay the permit approval.

Please contact Antonia to confirm if the application needs to be changed and to pay the fee for the permit.

Thanks



**DARRYL DROHOMERSKI,
C.E.T.**

Chief Administrative Officer

Phone 403-823-1312

Mobile 403-334-0359

Web www.drumheller.ca

Email ddrohomerski@drumheller.ca

224 Centre Street
Drumheller, AB, T0J 0Y4

From: Holly [REDACTED]
Sent: July 12, 2022 4:33 PM
To: Darryl Drohomerski <DDrohomerski@drumheller.ca>
Cc: Heather Colberg <HColberg@drumheller.ca>; Antonia Knight <AKnight@drumheller.ca>
Subject: Re: Rosedale Panisiak

We are hwre

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REQUEST FOR DECISION

DEVELOPMENT PERMIT NO.	T00089-22D FLOOD
FOR:	Accessory Building – 32’x40’ – In Conveyance Zone, with 50% Side Yard Variance and 20% Front Yard Variance
ATTACHMENTS:	Application, Sections from Land Use Bylaw
ADVERTISED	September 28, October 5

RECOMMENDATION:

That the Municipal Planning Commission consider approval of Development Permit as noted above with the following conditions:

CONDITIONS

1. Development shall conform to Town of Drumheller Land Use Bylaw 16.20
2. Developer to register caveat on property Land Title outlining that that the owners of the property absolve the Town of Drumheller and its employees from harm caused by any damage by a flood in Rosedale to either their own property or any other property the accessory building may damage in the event of a flood. This caveat will go on the property title and only be removed when a berm is constructed in Rosedale.
3. Placement must be; minimum 26’ Front Yard Setback and minimum 5’ Left Side Yard Setback. Any changes to placement must be authorized by the Development Authority. Confirmation of property lines may be provided by an Alberta Land Surveyor.
4. Height of accessory building as per plans submitted.
5. Exterior finished appearance of the proposed construction to be compatible with that of existing development and to the satisfaction of the Development Authority.
6. If the holder of the permit wishes to make any changes in the proposed development from application as approved, the holder of the permit must first obtain permission of the Development Authority. An additional development permit may be necessary.
7. Accessory Building shall not be converted into Dwelling Unit.
8. A development permit issued pursuant to this Bylaw is not a building permit and, notwithstanding that plans and specifications for buildings may have been submitted as part of an application for a development permit, work or construction shall neither commence nor proceed until a building permit has been issued, pursuant to applicable bylaws and regulations.
9. A development permit is valid for 12 months from its date of issuance, unless development has been substantially started in a manner satisfactory to the Development Authority.
10. The Development Authority may grant an extension of the time the development permit remains in effect for up to an additional 12 months. The Development Authority shall only grant one extension.
11. Landscaping to be in accordance with Land Use Bylaw 16.20

GENERAL REQUIREMENTS

1. All necessary Safety Codes Permits (building, electrical, gas, plumbing, etc.) to be in place prior to construction/installations.

2. Development is required to comply with all federal, provincial, and other municipal legislation.
3. All local improvements at owner's expense including, however not limited to, driveways, frontage charges, water/sewer services. (Call 403-823-1330 for the regulations).
4. All Contractor(s) and Subcontractors to have a valid Business License with the Town of Drumheller.
5. Contact Alberta One-Call to request that buried utilities be located and marked before you dig; secondary utilities are the property owner's responsibility. 1-800-242-3447 Alberta One-Call

Motion: _____ moved to approve Development Permit application T00089-22D FLOOD submitted by C. Panisiak, for Accessory Building – 32'x40' – In Conveyance Zone with 50% Side Yard Variance and 20% Front Yard Variance; Located at 385 Starmine Drive, Lot 10, Block 12, Plan 1313072 subject to the following conditions;
Seconded:

E-MAILED SEP 14 2022

Entered Uploaded
Advertised Agency



APPLICATION FOR DEVELOPMENT PERMIT

Town of Drumheller
224 Centre Street
Drumheller, AB T0J 0Y4
E-mail: development@drumheller.ca
Tel: 403-823-1310

I/We hereby make application for a development permit under the provisions of the Land Use Bylaw for the Town of Drumheller in accordance with the plans and supporting information submitted herewith which form part of this application. Personal Information is being collected for the purpose of "Development Control, Land Use Planning and Safety Codes Permits" pursuant to the provisions of the Municipal Government Act and its regulations, and pursuant to Section 32(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of your personal information, you may contact the F.O.I.P. Coordinator at (403) 823-1339.

APPLICANT: Curtis Ponisiak PHONE NO.: [REDACTED]
MAILING ADDRESS: [REDACTED] POSTAL CODE: [REDACTED]
PROPERTY OWNER: Curtis Ponisiak PHONE NO.: _____
MAILING ADDRESS: same as above POSTAL CODE: _____
EMAIL OF APPLICANT: [REDACTED]
CONTRACTOR (if applicable): DBARD Building Systems

LOCATION OF PROPOSED DEVELOPMENT:
AREA/SUBDIVISION: _____ CIVIC ADDRESS: 385 Stormine Drive
LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Plan: _____ Sec. _____ Twp. _____ Rng. _____ W4th
EXISTING USE OF PROPERTY: Residential ZONING: Country Residential

DEVELOPMENT DETAILS:
Garage Build
32x40x16
Removal of 3 sheds to south of property.

SETBACKS OF DEVELOPMENT (DISTANCE FROM PROPERTY LINES): -Setbacks on drawing
FRONT: 26' (7.9m) REAR: 10' (3.0m) RIGHT: 3' (0.9m) LEFT: 3' (0.9m)
COST OF DEVELOPMENT: [REDACTED] EST. COMMENCEMENT DATE: November 2022

- OTHER SUPPORTING MATERIAL ATTACHED REGARDING DEVELOPMENT:
- SITE PLAN (WITH DIMENSIONS AND PROPERTY LINES) PLAN/DRAWINGS
 - EXTERIOR FINISHING WITH PROFILE
 - PARKING PLAN
 - (BUILDING) FLOOR PLAN
 - LETTER OF INTENT
 - OTHER: _____
 - ELEVATIONS

NOTE: PLEASE BE AWARE THE COMPLETION OF THIS FORM DOES NOT DEEM THE APPLICATION COMPLETE. THIS IS NOT A BUILDING PERMIT (Such permit must be obtained separately). The applicant is not excused from complying with the requirements of any federal, provincial or other municipal legislation, or the conditions of any easement, covenant, building scheme or agreement affecting the building or land.

APPLICANT SIGNATURE: [REDACTED] DATE: September 9th / 2022
PROPERTY OWNERS SIGNATURE: Authorization Attached DATE: _____

(For office use only)
PERMIT FEE: [REDACTED]
RECEIPT #: 1300453
RECEIVED BY: Antonia
Roll #

PAYMENT TYPE: Debit
TOWN OF DRUMHELLER
SEP 14 2022
PAID

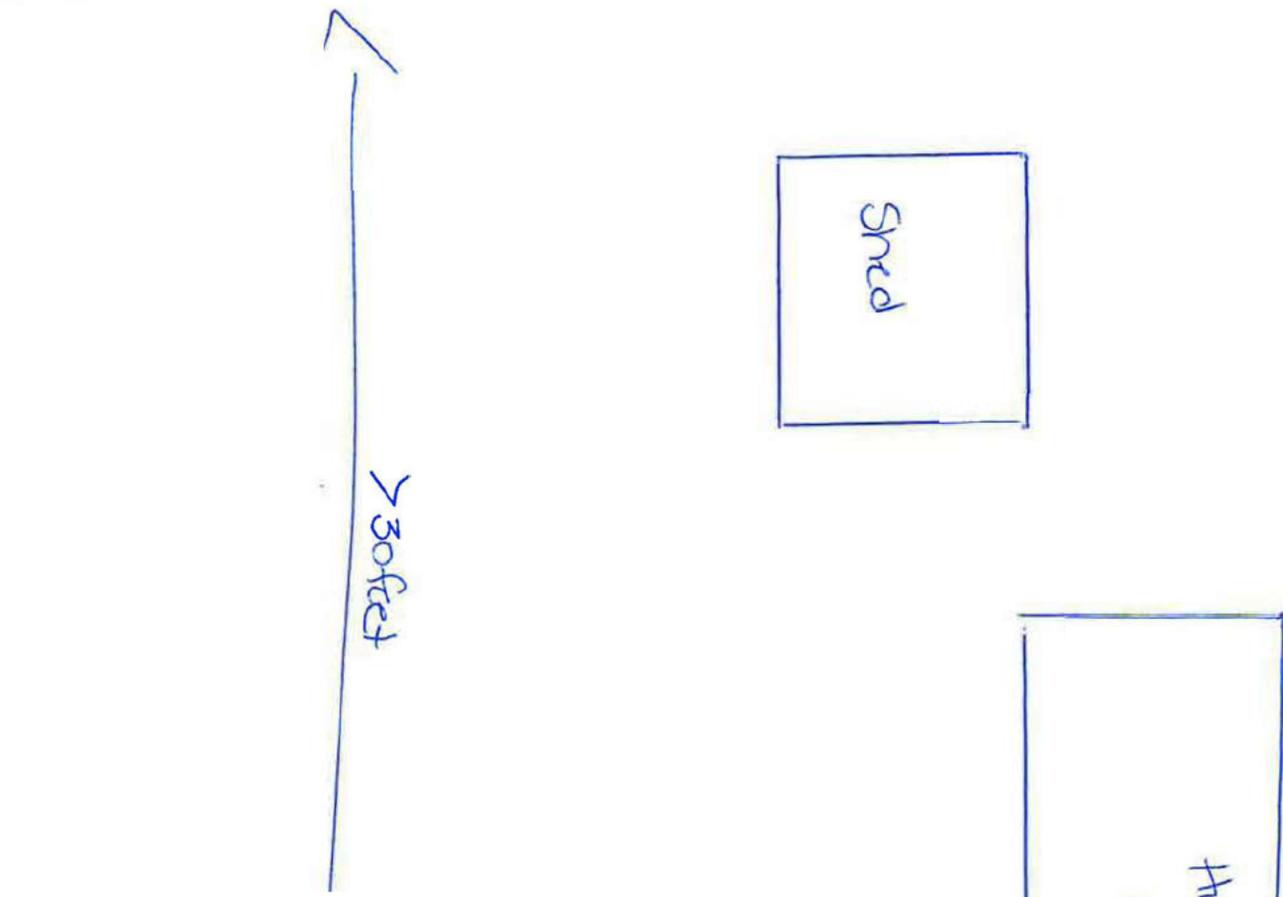
DEVELOPMENT PERMIT T00089-22D
17.6% coverage

E-MAILED 8/11/22

Property line

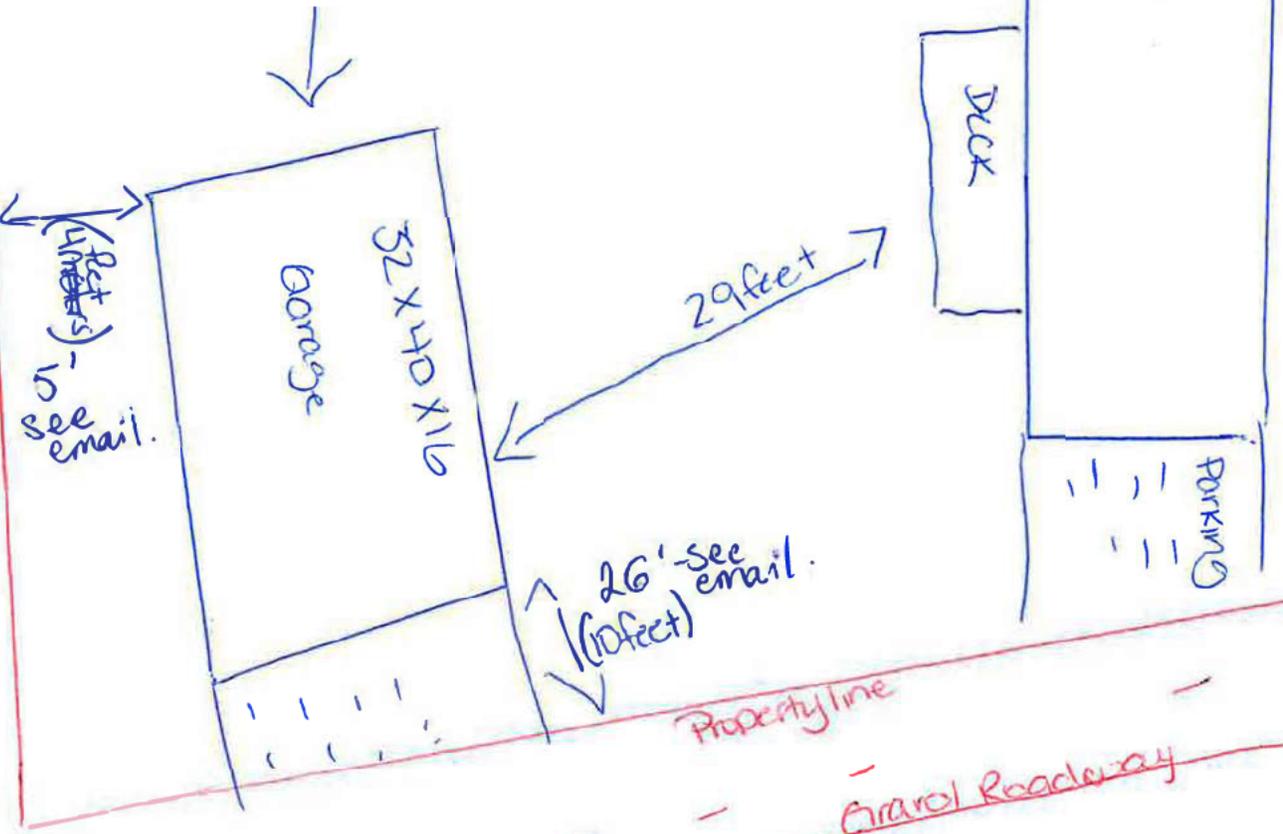
N

Property line



Hi Antonia.

For the front setback could you put in 22-26 feet setback. we really don't want it obstructing the view(If you can't you can't).
For the side setback 5 ft. Anymore and it runs into our sewer.
Thank you so much.
Holly



E-MAILED SEP 14 2022

To Whom it may concern/Town of Drumheller

September 7/22

I Curtis Panisiak have purchased my parents home Harold and Jocelyn Panisiak located at 385 Starmine drive in Rosedale Alberta. I am applying for a Development permit to build a garage on said property. Closing date for sale was August 17/22. As my parents are still on land title (due to land titles being behind) Here is the authorization that we are able to apply for this permit.
Contact information for Harold and Jocelyn- [REDACTED] if you have any questions for them.

I will sign a release of liability in regards to this development as per previous discussions with CEO Darryl Drohomerski.

[REDACTED]

Curtis Panisiak

[REDACTED]

Harold Panisiak

[REDACTED]

Jocelyn Panisiak



D-Bar-D Building Systems
11 Coopers Close SW Airdrie, AB T4B 2X1
Phone: (403) 912-9600
Fax: (403) 948-2808
Toll Free: (877) 912-9607
E-mail: info@dbardbuildingsystems.com
Website: www.dbardbuildingsystems.com

E-MAILED 9 14 2022

Date: September 9th, 2022

File: 125324

SENT VIA EMAIL: [REDACTED]

Curtis & Holly Panisiak
Rosedale, AB

ATTENTION: Curtis & Holly Panisiak

RE: **Post Frame Shop 32'x40'x16'**

We are pleased to submit our quotation for work at the above project as follows. This quote will be valid for 2 weeks (September 22nd, 2022).

Included in this package are the following:

1. a) **Exterior Shell**
 - Full Erection of Structure near Rosedale, Alberta (Labour & all Materials)
 - Engineered Stamped Drawings
 - 2x8 Laminated Posts (Various Ply's Due to Loading)
 - Commercial Vaulted Trusses @ 4' O/C
 - 2x6 Strapping on Exterior Walls
 - 2x6 Strapping on Roof
 - 29 Ga. Painted Metal Cladded Walls and Roof
 - 24 or 26 Ga. Painted Metal Trims
 - Engineered Hurricane Truss Tie-Downs for Uplift Protection
 - (1) 12'x14' Overhead Door with Chain Hoist (Installed)
 - (1x) 3'x6'8" Standard Man-Door
 - (6x) 48"x36" Picture Window

The building package comes with complete with all other necessary flashings and fasteners as required to complete the exterior of this structure.

THE ABOVE FOR THE SUM OF..... \$ [REDACTED]

ADD ON:

A.) Soffit & Fascia..... \$ [REDACTED]
(Please note this is included in render picture of building)



E-MAILED SEP 14 2022

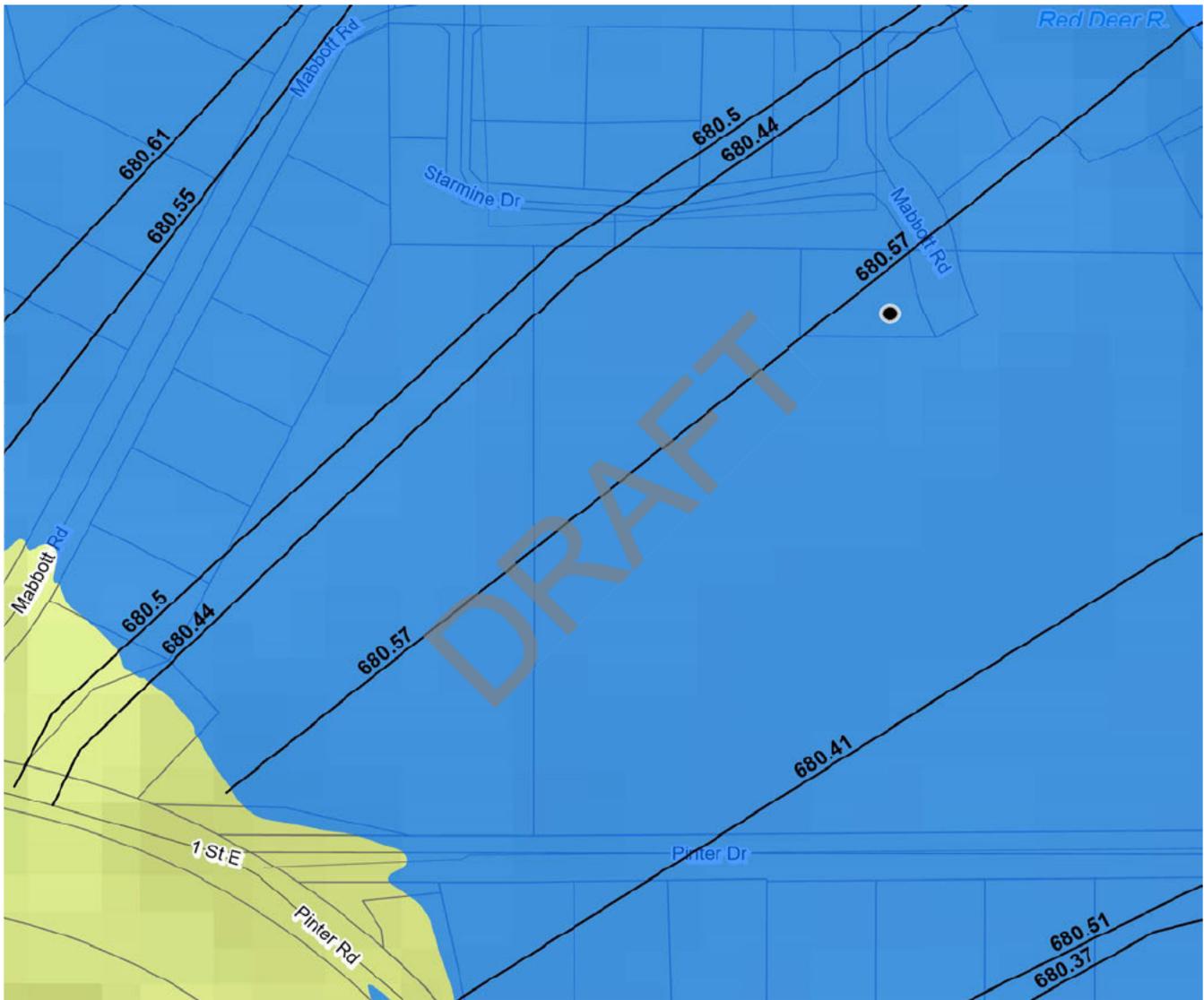


PLEASE NOTE:

A. **OUR QUOTATION IS BASED ON:**

1. Goods and Services Tax extra.
2. Provision of engineered stamped drawings.
3. Project based on a preliminary design only and pricing may change pending engineers review, location, soil conditions and county approvals.
4. Preliminary review of site minimum 1-2 weeks prior to construction.
5. Laminated posts to be set to a maximum depth of 6'-0" pending soil conditions.
6. Material prices F.O.B. your job site.
7. Adequate lay down area required for offloading materials.
8. All Payments as per signed schedule and contract upon award.
9. Free and clear access to our work area (minimum 10' perimeter around building required).
10. Building being a minimum of 7 meters from any power lines.
11. D-Bar-D Building Systems standard designs and details.

September 9th, 2022
Post Frame Shop
File :125324
Page 2 of 3



1:50 Open Water Flood



- Directly Flooded
- Protected by Flood Berm
- Other

Point of Interest (details on next page)

Map Projection: Mercator Auxiliary Sphere
Map Datum: World Geodetic System 1984
Flood Level Datum: Canadian Geodetic Vertical Datum of 1928

The flood information as depicted is subject to change, therefore the Government of Alberta assumes no responsibility for discrepancies at the time of use.

Flood Inundation Maps

Flood inundation maps show areas at risk for different sized floods, including ice jam floods in some communities. These maps also identify areas that could be flooded if local berms fail, and are typically used for emergency response planning and to inform local infrastructure design.

Flood Study Details

Drumheller River Hazard Study

This study assesses and identifies river-related hazards along 56 km of the Red Deer River, 8 km of Kneehills Creek, 5 km of Michichi Creek, 11 km of the Rosebud River, and 3 km of Willow Creek, through Drumheller, Kneehill County, Starland County, Wheatland County, and Special Area No. 2.

Study Status: Draft

Report Name: Drumheller River Hazard Study - Multiple Reports

Report Author: Northwest Hydraulic Consultants Ltd., Edmonton, Alberta

Report Date: March 2020 - April 2020

Study Documents

● Point of Interest

This location would be flooded during a 1:50 open water flood, with a flood level of 680.43 m. Higher flood levels would be expected for larger floods.

Location: 51.418218°N, 112.616311°W

River: Red Deer River

Flood: 1:50 Open Water

Flow: 1870 m³/s

Zone: Direct Flooding

Flood Level: 680.43 m

Flood Depth: 1.22 m

Limitations

The flood extents shown on this map are not expected to match previous floods due to different river flows, variations in local conditions, and assumptions made as part of the flood study. The flood mapping and other information presented were prepared in accordance with generally accepted engineering practices, using the best data available when the flood study was conducted. Information is subject to change, and the Government of Alberta assumes no responsibility for discrepancies at the time of use.

Contact Us

For more information about flood maps and the provincial Flood Hazard Identification Program please visit www.floodhazard.alberta.ca or email us at aep.flood@gov.ab.ca.

3.4 COUNTRYSIDE DISTRICT

3.4.1 General Intent

To provide opportunities for low **density** residential **development** and support commercial **uses** in locations that enable a transition from rural to urban. **Development** shall be rural in nature, with low **density** development on large **parcels**. Single detached dwellings and **accessory buildings** are the predominant building form.

3.4.2 Uses

Use Category	Permitted Uses	Discretionary Uses
(1) Residential	<i>Dwelling Unit(s)</i>	<i>Dwelling Unit - Temporary</i>
(2) Lodging	<i>Bed & Breakfast Tourist Dwelling</i>	<i>Campground Recreation Vehicle Resort</i>
(3) Commercial	<i>Artist Studio Home Occupation - Rural Home Occupation - Basic</i>	<i>Kennel Restricted Substance Retail Restaurant/Café Retail & Service – General</i>
(4) Institutional	<i>Culture Education Government Health Services Human Services Recreation – Intensive Recreation – Non-Intensive</i>	<i>Cemetery</i>
(5) Agricultural	<i>Agriculture - General</i>	
(6) Other <i>Uses</i>	<i>Accessory Building or Structure Sign (as per Section 4)</i>	<i>Accessory Building – Portable Storage Structure Fascia Sign Freestanding Sign Projecting Sign Solar Energy System Communication Structure</i>

Amended:
Bylaw # 18.21
Sept 13, 2021



3.4.3 Specific *Use* Standards

(1) <i>Dwelling Unit</i>	<i>Dwelling units</i> shall be limited to detached dwellings with opportunities for secondary <i>dwelling units</i> located in an <i>accessory building</i> .
(2) <i>Restaurant/Café</i>	(a) The maximum <i>use area</i> for a <i>Restaurant/Café</i> is 300 square metres. (b) 1 <i>Sign</i> is permitted, in accordance with Part 4.
(3) Retail & Service	(a) The maximum <i>use area</i> for Retail & Service is 300 square metres. (b) Permanent outdoor display, service, and/or storage is not permitted. (c) 1 <i>Sign</i> is permitted, in accordance with Part 4.
(4) Additional Standards	No <i>use</i> shall cause or create any <i>nuisance</i> , by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the <i>Development Authority</i> .

3.4.4 *Parcel* Width Standards

(1) <i>Parcel</i> Width	Minimum 30 metres
(2) Additional <i>Parcel</i> Width Standards	There is no minimum parcel width for a <i>recreation vehicle resort</i> .

3.4.5 Residential Density

Maximum 2 ***dwelling units*** per ***parcel***.

3.4.6 Setbacks for *Principal Buildings*

(1) <i>Front Setback</i>	Minimum 10 metres
(2) <i>Secondary Front Setback</i>	Minimum 7.5 metres
(3) <i>Side Setback</i>	Minimum 3 metres
(4) <i>Rear Setback</i>	Minimum 10 metres
(5) <i>Projections</i> Into Setbacks	The following features may project into a setback: (a) Unenclosed steps and wheelchair ramps; (b) Signs; (c) Fences; (d) An unenclosed deck, <i>porch</i> or other similar <i>structure</i> below 0.6 metres in height;

	<p>(e) An unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50 percent in a minimum front setback or minimum rear setback;</p> <p>(f) Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a minimum front setback or side setback and up to 1.5 metres in a minimum rear setback; and</p> <p>(g) Balconies may project up to 1.5 metres in a front setback or rear setback. Balconies may project into a side setback but must maintain a minimum of 1.2 metres from the side parcel boundary.</p>
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3.4.7 **Setbacks for Accessory Buildings**

(1)	Front Setback	Minimum 10 metres
(2)	Secondary Front Setback	Minimum 7.5 metres
(3)	Side Setback	Minimum 3 metres
(4)	Rear Setback	Minimum 10 metres

3.4.8 **Parcel Coverage Standards**

(1)	Maximum parcel coverage	25%
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3.4.9 **Building Height Standards**

(1)	Principal Building	Maximum 14 metres
(2)	Accessory Building	Maximum 7.5 metres
(3)	Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.4.2.

3.4.10 **Parking, Loading, and Access Standards**

(4)	Bicycle Parking	Where bicycle parking is provided for uses listed in the Commercial Use Category in Section 3.4.2, bicycle parking shall be located close to the entrance of the principal building , but shall not impede pedestrian circulation or access to the building .
(5)	Vehicle Parking	<p>(a) There is no minimum required number of parking stalls for any development in the Countryside District.</p> <p>(b) Surface parking areas shall not be allowed unless associated with a development.</p> <p>(c) Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting.</p>



3.4.11 Landscaping Standards

(1) General Landscaping Standards	The front yard shall be landscaped with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other hard landscaping may be acceptable but shall not exceed 25% of the landscaped area .
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3.4.12 Screening and Fences

(2) Screening	<p>(a) Garbage and waste material must be stored in closed containers, and visually screened from public roads, excluding lanes.</p> <p>(b) Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.</p>
(3) Fences	<p>(a) A fence located in a front yard or secondary front yard shall be a maximum height of 1.2 metres.</p> <p>(b) All other fences shall be a maximum height of 1.8 metres.</p>

3.4.13 Additional Standards

(4) Subdivision	(a) A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board .
(5) Stormwater Management	<p>(a) Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane, the street, and/or a stormwater management system.</p> <p>(b) A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.</p>

5.5 VARIANCE POWERS

- 5.5.1 The **Development Authority** or **Subdivision Authority** may approve at their discretion, with or without conditions, an application for **development** that does not comply with this **Bylaw** where the proposed **development**, with variance would not:
- (1) Unduly interfere with the amenities of the neighbourhood; or
 - (2) Materially interfere with or affect the use, enjoyment, or value of neighbouring properties;
and
 - (3) The **use** proposed is allowed by this **Bylaw**.
- 5.5.2 If a variance is granted pursuant to this section, the **Subdivision Authority** or **Development Authority** shall specify its nature in the **subdivision** or **development permit** approval.



**Municipal Planning Commission
MINUTES
Meeting of Thursday October 6, 2022**

Present: Darryl Drohomerski, CAO/Development Officer
Antonia Knight, Development Officer in Training, Recording Secretary
Andrew Luger, Acting Chair, Member
Tony Lacher, Councillor/Member
Tom Zariski, Councillor/Member
Kirk Mclean, Member
Shelley Rymal, Member
Art Erickson, Member
Devin Diano – CEO, Palliser Regional Municipal Services

Absent:

Attendees:

1.0 CALL TO ORDER – 12:00 pm

A. Luger presented the Agenda for the October 6, 2022 meeting.

2.0 ADDITIONS TO THE AGENDA

Additions, Deletions or Amendments
Addition – none
Deletion - none
Amendment – none

3.0 ADOPTION OF THE AGENDA

Motion: T. Zariski moved to accept the agenda for October 6, 2022 meeting
Second: A. Erickson – All in favour - Carried

4.0 MINUTES FROM PREVIOUS MEETINGS

4.1 September 8, 2022

Motion: T. Lacher moved to accept the minutes of the September 8, 2022 meeting.
Second: S. Rymal - All in favour – Carried

5.0 SUMMARY OF DEVELOPMENT PERMITS

Motion: T. Zariski moved to accept the Summary of Development Permits for information only
Second: S. Rymal – All in favour – Carried

6.0 DEVELOPMENT PERMITS

6.1 T00089-22D FLOOD – Accessory Building – 32'x40' – In Conveyance Zone with 50% Side Yard Variance and 20% Front Yard Variance

A. Knight presented application T00089-22D FLOOD for an Accessory Building – 32'x40' located at 385 Starmine Drive, Lot 10, Block 12, Plan 1313072. This application is within the Conveyance Zone. This application was originally discussed The application is being brought to the Municipal Planning Commission due to the setback variance requests - 50% Side Yard Variance and 20% Front Yard Variance. In the past, when acting as the Development Authority, the Municipal Planning Commission has approved variances of up to 20%. The Land Use Bylaw does not stipulate the maximum variance allowable. The property owners own the land to the south of the property adjacent to the side yard setback.

The property is within the Conveyance Zone, however the Development Office has been in discussion with the applicants over the last few months. A suggestion for a caveat to be registered on title authorizing the development and outlining the Town would have no responsibility in the event of flood damage to the property.

Motion: S. Rymal to go In Camera at 12:06pm

Second: A. Erickson – Carried

Motion: S. Rymal to go out In Camera – 12:27pm

Second: K. Mclean

Motion: T. Lacher moved to approve Development Permit application T00089-22D submitted by C. Panisiak for, for Accessory Building – 32'x40' – In Conveyance Zone with 50% Side Yard Variance and 20% Front Yard Variance located at 385 Starmine Drive, Lot 10, Block 12, Plan 1313072 subject conditions;

Second: S. Rymal – 6 against – 0 in favour

Motion defeated

REASON FOR REFUSAL

Application lies within the Flood Hazard Overlay - Conveyance Zone. Municipal Planning Commission not at liberty to approve a caveat to be registered on Title in order to allow construction before flood protection measures are built to protect development within the area.

Regulations from the Land Use Bylaw;

2.5.3 Conveyance Zone Uses and Regulations

- (1) The following uses shall be allowed in the Conveyance Zone, when listed as a permitted use or discretionary use in the underlying Land Use District:

- a) Agriculture - General; and
 - b) Recreation - Non-Intensive.
- (2) No development shall be allowed within the Conveyance Zone that has the potential to increase the obstruction of floodwaters or potential for a detrimental effect on the hydrological system, water quality, or on existing development.
- (3) New development and structural alterations to existing development is not allowed except to:
- (a) Accommodate public utilities, including flood mitigation structures and erosion control measures;
 - (b) Replace an existing building or structure on the same location, and for the same use, provided that the flood hazard can be overcome, as demonstrated by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta, and in a manner that is acceptable to the Town, including meeting flood construction level requirements; and
 - (c) Renovate an existing building or structure, provided that:
 - i. There is no increase to the floor area below the flood construction level; and
 - ii. The renovation does not create a new Dwelling Unit.
- (4) No structures shall be constructed on, in, or under lands subject to the Conveyance Zone, unless, to the satisfaction of the Development Authority, there will be no obstruction to floodwaters and no detrimental effect on the hydrological system or water quality, including the natural interface of the riparian and aquatic habitat.

7.0 PALLISER REGIONAL MUNICIPAL SERVICES

D. Diano explained that no applications have been received. It has been a quiet year for Drumheller

8.0 OTHER DISCUSSION ITEMS

9.0 NEXT MEETING DATE – October 20, 2022

No applications in so far, however may schedule a meeting to discuss potential proposed Land Use Bylaw amendments before taking them to Council.

- 10.0 Adjournment – Meeting adjourned:** A. Erickson at 12:31pm
Second: S. Rymal - All in favour – Carried



Chairperson

Development Officer

Attachments:

- Agenda
- Summary of development permits
- Full meeting can be viewed at;

<https://www.youtube.com/c/townofdrumheller>