

What is SDAB?



Town of Sundre

What is SDAB?

The Subdivision and Development Appeal Board (SDAB) is a quasi-judicial board established in accordance with the Municipal Government Act and the Town of Sundre Bylaw 808.

The SDAB hears appeals regarding decisions made by the Town of Sundre subdivision and development authorities and renders decisions based on the evidence presented.

The board is comprised of 2 Town of Sundre Council Members and 3 citizen members. The SDAB makes decisions in an impartial manner and applies the principals of natural justice and procedural fairness, which includes but is not limited to: the right to a public hearing; a duty to be fair; the right or all affected parties to be heard; the right to an adjournment of the SDAB determines it is merited; and the right to legal counsel.

MORE HELP....

Further assistance is available from:

Planning and Development Department

Phone: 403-638-3551

Fax: 403-638-2100

Website: www.sundre.com

This brochure is for information purposes only and is intended to assist applicants. It is neither an authoritative nor complete statement of law and is not legally binding. Further reference to the Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plans and/or Area Redevelopment Plans, Redesignation, Town of Sundre Land Use Bylaw 705, and/or planning documents is necessary to ensure compliance with their provisions.

Note: When you apply, personal information may be collected under the authority of Section 33 (c) of the Alberta Freedom of Information and Protection of Privacy Act, Section 642 of the Municipal Government Act and/or Section 63 of the Safety Codes Act. The information will be used to process your application(s), and your name and address may be included on reports that are available to the public. If you have any questions on the collection and use of this information, please contact our office.



Subdivision and Appeal Board (SDAB)



For more information, please contact:

Town of Sundre: 403-638-3551

e-mail: townmail@sundre.com

Website: www.sundre.com

Planning & Development Department

Town of Sundre

717 Main Avenue West

Sundre, AB T0M 1X0

Who May Appeal to the SDAB?

A subdivision or development appeal is commenced by filing a notice of the appeal, containing reasons, with the Board within 14 days from the date of the Authority's decision.

In the case of a decision on a development permit:

- anyone who has applied for a Development Permit
- anyone "affected" (e.g. neighbors or businesses that reside in that area) by the decision may appeal

On Permitted Uses, grounds for appeal must relate to questions of interpretation, variance or relaxation, and not to proposed use.

On Discretionary Uses, all aspects of the proposed development may be challenged upon appeal.

In the case of a decision on a subdivision application:

- the applicant
- a government department
- a school authority
- note that neighbors **cannot** appeal a subdivision application.

In the case of a Stop Order:

- anyone subject to or affected by the Stop Order

In the case of an amendment to the Land Use Bylaw by Council:

- there is **NO** appeal to the SDAB

General Information

Next Steps

The appeal must be heard by the SDAB within **30 days** of submission.

The SDAB Secretary shall, on behalf of the Board, give at least five (5) days written notice of an appeal hearing to the appellant; the respondent, development authority; and the weekly newspaper for 2 weeks and five days prior to the hearing; and the affected persons.

The Secretary shall make available for public inspection, before the commencement of the Hearing, all relevant documents and materials respecting the appeal.

The Board shall give its decision in writing, together with the reasons for the decision, within **15 days** of concluding the Hearing.

SDAB Hearings are public hearings.

Appeal Protocol

The SDAB, as a quasi-judicial board, speaks only through its written decisions.

Individuals may not contact board members directly with respect to an appeal or potential appeal as such contact may disqualify those members from participating in the hearing. As well, the board members do not discuss appeal cases with the Development or Subdivision Authority prior to the hearing.



General Procedures

At the start of the hearing, the SDAB Chair will:

- Outline the procedures that will be followed during the hearing.
- Ask if any board members should declare a conflict of interest and therefore stand down from the hearing.
- Ask if any persons appearing before the SDAB object, on the basis of bias, to any board member sitting on the hearing. This person must state his/her objection and the reasons for the objection. The member will then respond to the objection, and the Chair will determine if the member should stand down from the hearing.

What happens next...

The SDAB will hear from persons in the following order:

- Development/Subdivision Authority
- The appellant
- Those in support of the appellant
- This in opposition to the appellant
- Those neither in support or opposition but who wish to make comment

The SDAB will judge each appeal on its own merits and facts. The SDAB is bound by relevant planning matters when rendering its decision.

Once the SDAB has determined that all information has been submitted, it will close the hearing and consider all the information in arriving at the decision. At the hearing the SDAB may give verbal, preliminary decision, but the verbal decision is not official, nor can it be acted upon, until a written decision is issued. The division will be issued within **fifteen days** of the close of the hearing.