

What is the Subdivision and Development Appeal Board?

The Subdivision and Development Appeal Board (SDAB) is an independent quasi-judicial body established by Town Council to hear appeals from individuals who have been affected by a decision of the Development or Subdivision authority.



MORE HELP...

Further assistance is available from:

Planning and Development Department
Town of Sundre
717 Main Avenue West
Sundre, AB T0M 1X0

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.

September 2012



SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

Planning and Development Department
Town of Sundre
717 Main Avenue West
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The Subdivision and Development Appeal Board (SDAB) hears appeals from people who have been affected by development authority or subdivision authority decisions. Appealing a decision involves two main stages: filing an appeal and attending a hearing.

Who May Appeal to the SDAB?

In the case of a decision on a development permit:

- anyone who has applied for a development permit
- anyone “affected” (e.g. neighbours) by the decision may appeal

On permitted uses, grounds for appeal must relate to questions of interpretation, variance, or relaxation, and not to the 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 neighbours **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 in these situations

Who is an “Affected Person?”

Examples of an affected person are someone who owns the property, carries on a business or resides in the vicinity of a proposed development. A person who merely visits the area probably may not qualify as an affected person.

Where and When to Appeal?

A letter shall be submitted including the reasons for the appeal to:

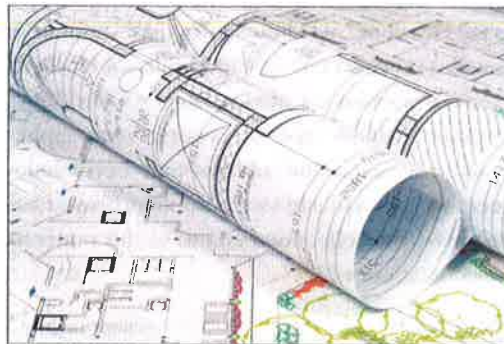
Subdivision and Development Appeal Board Secretary

The Town of Sundre
717 Main Avenue West
P.O. Box 420
Sundre, AB
T0M 1X0

You must file your appeal including the \$200.00 appeal fee with the SDAB secretary within 14 days of notification of a decision or order. Please note that this is a non-refundable fee.

What happens when an appeal is filed?

The appeal must be heard by the SDAB within 30 days of submission. The Board must hold a public hearing. Five days prior to the public hearing the appellant and other affected persons will be notified in writing. If you are unable to attend the scheduled meeting, please contact the SDAB Secretary to attempt to arrange for the hearing to be rescheduled. Every appeal to the SDAB is advertised in the weekly newspaper for at least two weeks and five days prior to the hearing.



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 a 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.**

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

- Outline the procedure that will be followed during the hearing
- Ask if any board members have a conflict of interest and therefore should stand down from the hearing
- Ask if any person 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 a verbal, preliminary decision, but the verbal decision is not official, nor can it be acted upon, until a written decision is issued. The decision will be issued within fifteen days of the close of the hearing.