

Administrative Backgrounder

Public Presentation Request

Title	9:05 a.m. - Request to Waive Development Permit Fee Penalty for Development Permit 305305-22-D0320
Purpose of Report	To provide background information related to a request that Council waive approximately \$450 in double fee penalties related to an existing building approved as Permit 305305-22-D0320 on Lot 5, Block 2, Plan 772 0113.
Proposed Motion	That Council refer the request to waive double fee penalties related to the existing accessory building approved as Development Permit 305305-22-D0320 on Lot 5, Block 2, Plan 772 0113 to a future Council meeting for Administration to provide a recommendation for Council's consideration.
Previous Council Direction	<u>December 13, 2022 Regular Council Meeting</u> Motion 476/22: That Council give third reading of Bylaw 1611/22.
Additional Background Information	<ul style="list-style-type: none"> • A request has been received for Council to waive a penalty (double fees) related to an existing accessory building located at Lot 5, Block 2, Plan 772 0113 (21 23516 Township Road 560). Administration does not have the authority to waive the permit fee or penalty. • Last fall, Administration received a complaint regarding an <u>existing</u> accessory building and potential home-based mechanic business at the property. • Following inquiries, it was confirmed that the building did not hold required permits. The Applicant applied for a Development Permit to leave the accessory building (1800ft²/167m² fabric shelter) as built. • The Development Permit was refused as the accessory building is too close to the front yard property line. The variance exceeded the powers of the Development Authority (Administration) to approve; therefore, the application was

refused, and the applicant appealed the refusal to the Subdivision and Development Appeal Board (SDAB).

- The SDAB granted the appeal and approved the development as built.
- The application for a development permit was levied a double fee penalty in accordance Schedule “C” Section 3 of Bylaw 1611/22 - Fees and Charges Bylaw, as the building was already constructed without permits.
- Total fees for the Building Permit were:
 - Building Permit fee - \$450
 - Safety Code Council Levy -\$18
 - **Penalty (2x Permit Fee) - \$450**
 - Total - \$918

Analysis

- All other properties within Sturgeon County are subject to paying appropriate building permit fees including the double permit fee penalty for construction without a permit.
- Administration has no historical records of approval for this development.
- Administration incurs additional time to process these types of applications constructed prior to permits, particularly for building permit compliance which focuses on safety.
- The building was identified through a complaint process, not through voluntary submission.

Alternatives

- If Council decides that it has sufficient information to make a decision on the matter, Council could consider either of the following motions:
 - That Council refuse the request to waive double fee penalties related to the existing accessory building approved as Development Permit 305305-22-D0320 on Lot 5, Block 2, Plan 772 0113.
 - That Council waive double fee penalties related to the existing accessory building approved as Development Permit 305305-22-D0320 on Lot 5, Block 2, Plan 772 0113.

Attachment(s)

1. Attachment 1: Presentation Request
2. Attachment 2: SDAB Approval 305305-22-D0320

Report Reviewed by:

Bonnie McInnis, Manager Planning & Development Services

Travis Peter, General Manager, Development & Strategic Services

Reegan McCullough, County Commissioner - CAO