

**ROCKY VIEW COUNTY  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Board Order No.: 2021-SDAB-007  
File No.: 04715017 PRDP20211109  
Appeal by: Prang, Elisabeth and Terry  
Hearing Date: 2021 May 27  
Decision Date: 2021 June 10  
Board Members: Wendy Metzger, Chair  
Tricia Fehr  
Hazel George

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**DEVELOPMENT APPEAL DECISION**

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**INTRODUCTION**

[1] This is an affected party appeal to the Rocky View County Subdivision and Development Appeal Board (the Board) from a decision of the Rocky View County Development Authority issued April 20, 2021. In this decision, the Development Authority conditionally approved a development permit application for the construction of an accessory building (workshop and vehicle storage), relaxation to the maximum accessory building area, relaxation to the maximum accessory building parcel coverage and relaxation to the maximum accessory building height at 197 Mountain River Estates (Lot 10 Block A Plan 618 LK) and located approximately 3.20 kilometres (2.00 miles) south of Springbank Road and on the west side of Range Road 33.

[2] Upon notice being given this appeal was heard electronically on May 27, 2021 in accordance with the Meeting Procedures (COVID-19 Suppression) Regulation, Alberta Regulation 50/2020.

**DECISION**

[3] The appeal is upheld and the Development Authority's April 14, 2021 decision on PRDP20211109 is overturned. Development permit application PRDP20211109 is refused.

## **BACKGROUND**

[4] On March 30, 2021, Douglas Graham of McDowell and Associates (the Applicant) submitted a development permit application for an accessory building (workshop and vehicle storage), relaxation to the maximum accessory building area, relaxation to the maximum accessory building parcel coverage and relaxation to the maximum accessory building height.

[5] The Lands are approximately 0.81 hectares (2.00 acres) in area and owned by Daniel and Lorrie Aussant (the Owners).

[6] The Lands' land use designation is Residential, County Residential (R-CRD) under *Land Use Bylaw C-8000-2020* (the *Land Use Bylaw*).

[7] On April 20, 2021, the Development Authority issued the written conditional approval for the accessory building and variances on the Lands.

[8] On May 7, 2021, Elisabeth and Terry Prang (the Appellants) filed an affected party appeal of the Development Authority's decision to conditionally approve the accessory building and variances on the Lands.

[9] The appeal was received on time in accordance with section 686(1)(b) of the *Municipal Government Act* RSA 2000, c M-26 (MGA).

[10] A notice of hearing was circulated to the Appellant, Applicant, Development Authority, and adjacent landowners in accordance with the MGA and Rocky View County Council Policy C-327, *Circulation and Notification Standards*.

## **SUMMARY OF EVIDENCE**

[11] The Board heard verbal submissions from:

- (1) Wayne Van Dijk, Development Officer for the Development Authority;
- (2) Elisabeth and Terry Prang, the Appellants;
- (3) John Schouten, in support of the appeal;
- (4) Allen McDowell of McDowell and Associates, the Applicant; and
- (5) Daniel and Lorrie Aussant, the Owners.

[12] The written documents submitted as exhibits and considered by the Board are listed in the exhibit list at the end of this decision.

*Development Authority's submissions*

[13] The Development Authority read from their PowerPoint, provided as an exhibit.

[14] The accessory building is close to the natural ravine, however, it meets all setback requirements.

*Elisabeth and Terry Prang submissions – the Appellants*

[15] Ms. Prang stated that they are directly adjacent to the proposed development.

[16] The Prangs don't have an issue with a storage building but they have an issue with how large the proposed building is; it is a commercial sized building. There are buildings for lease in the Springbank area that are the same size and they are huge.

[17] There are other residents that have the maximum size of accessory buildings but they fit into the community, the proposed accessory building won't.

[18] The Prang's understand the need for storage but they believe this proposed building is just too large. They are supportive of a smaller building, one that is in line with the *Land Use Bylaw*, not one that is larger and higher.

[19] Other residents have stated that the building is excessive.

[20] Springbank Mountain Estates was established in the late 1960's early 1970's and this building does not fit with the spirit of the community.

[21] The Prang's do not have an issue with neighbours storing items on their property; however, most neighbours store their larger items offsite. There are many of these storage facilities within a couple of minute's drive of the property.

[22] The proposed development will be an eyesore in the community.

[23] In addition to the commercial sized storage building, they are building a three car garage onto their house.

[24] The building is basically a commercial bay with the height, width and size of it.

[25] There are mature trees on the applicant's property, however, they are coming to the end of their life and they won't shield the building from view.

*John Schouten submissions – in support of the appeal*

[26] Mr. Schouten's property is 4 properties from the Applicant's property.

[27] The proposed dimension of the accessory building will have a very high visual impact on the community.

[28] The size of the proposed accessory building is larger than some of the homes in the community.

[29] This is a well established high end neighbourhood.

[30] This building will have a negative effect on the look and feel of community.

[31] The documentation provided in the appeal contain personal impact statements including the original developers of the community.

*Allen McDowell submissions – the Applicant*

[32] The Owners purchased the property last year.

[33] The accessory building is for the storage of prized classic cars and a RV, as the Owners do not wish to store these at an offsite location.

[34] There are no other plans for the building and workshop such as residential or commercial use; it will only be used for storage purposes.

[35] The proposed building will cause little to no effect to the surrounding neighbours or community.

[36] The accessory building is located on the south side of the lot due to the location of the existing house on the north side of the lot.

[37] The location of the building to the rear of the site because of the front setback restrictions, these setbacks are required to keep the existing evergreen trees.

[38] The neighbours will be well screened, the trees are far from the end of their life as the Appellant stated.

[39] The properties to the south and the west will be screened by the existing trees.

[40] The building will be screened from the street by mature trees as well.

[41] The exterior of the accessory building was designed to match the home that will be built once the current home sells. A prominent builder in the Springbank area is building both the accessory building and house.

[42] The redevelopment of the property will only increase in value thereby increasing the surrounding properties values as well, as stated in the letter read out from a realtor.

*Daniel and Lorrie Aussant – the Owners*

- [43] The proposed shop is not a workshop, it is for vehicles and other items.
- [44] One neighbour contacted Mr. Aussant and he explained that the proposed building will match the new house.
- [45] There are many rumors circling around the neighbourhood about the building.
- [46] This building will not lower the property values in the community.
- [47] You will not be able to see the building from the road.
- [48] There are currently a couple of oversized buildings in the community now, one neighbor lived in the building while they renovated their house, that building is 2 stories.
- [49] If the new home was placed where the shop is going to be, it would have more of an impact on the neighbors as the plan of the new house is to have an 100 foot house.
- [50] The building is not that much higher than what the *Land Use Bylaw* says it can be.
- [51] It is better to have stuff inside than outside looking like an eyesore.
- [52] There is nothing laying around on their current property as they take great pride in their property and having it look good.

*Sharon Foster's rebuttal submissions – The Appellant*

- [53] There are two accessory buildings in the community that are bigger these are located at lot 2 and 8, however, those buildings are within the maximum allowable size in the *Land Use Bylaw*.
- [54] The proposed building will be intrusive.

**FINDINGS & REASONS FOR DECISION**

- [55] The Board finds that accessory building > 90 m<sup>2</sup> (968.75 ft<sup>2</sup> ) is a discretionary use in R-CRD, as outlined in section 323 of the *Land Use Bylaw*. The Board finds it has the authority to make a decision on the matter pursuant to section 687 of the *Municipal Government Act*.
- [56] The Board reviewed all evidence and arguments, written and verbal, submitted by the parties and focused on the most relevant evidence and arguments in outlining its reasons. The Board also considered the context of the proposed development, sound planning considerations, the merits of the application, and all applicable legislation, plans, and policies.

[57] The Board heard from the appellants and another adjacent neighbour stating concerns about the size of the building and that the building does not fit with the look and feel of the community.


[58] The Board finds the variances requested on the accessory building by the Applicant are well outside the acceptable variances of an accessory building in this community.

[59] Given the above findings and pursuant to section 687 of the Municipal Government Act, the Board finds that the proposed development would unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. The Board also finds the proposed development does not conform to the use prescribed for the Lands in the *Land Use Bylaw*.

## CONCLUSION

[60] For the reasons set out above, the appeal is upheld and the Development Authority's April 14, 2021 decision on PRDP20211109 is overturned. Development permit application PRDP20211109 is refused.

Dated at Rocky View County, in the Province of Alberta on June 10, 2021.



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Wendy Metzger, Chair  
Subdivision and Development Appeal Board

## **EXHIBIT LIST**

Documents presented at the hearing and considered by the Board

- | <b>NO.</b> | <b>ITEM</b>                                |
|------------|--|
| 1.         | Development Authority Report (55 pages)    |
| 2.         | Development Authority PowerPoint (6 pages) |
| 3.         | Applicant Exhibit 1 (6 pages)              |
| 4.         | Applicant Exhibit 2 (1 page)               |