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July 27, 2021

Rocky View County
262075 Rocky View Point
Rocky View County, AB
T4A 0X2

SUBJECT: **Notice of Appeal Response / Development Permit PRDP 20212040**
PROJECT: RESIDENTIAL HOUSE
LOCATION: 24 BEARSPAW TERRACE
LOT 4, BLOCK 2, PLAN 1811748, NW-07-25-02-05, ROCKY VIEW, AB.
ATTN: ROCKY VIEW APPEAL BOARD

In response to received Notice of Appeal of our Development Permit PRDP2021-2040, please find below our response on received comments as following:

The proposed home at 24 Bearspaw Terrace has been appealed with two listed concerns. The concerns listed are two separate issues in our opinion. One deals with view and sight lines, which is not a bylaw issue and not a relaxation of any kind. The second is a relaxation to the height bylaw and the question here is, does the relaxation adversely affect adjacent property owners. First, we would like to address the view and sight lines.

As the board knows, under Alberta Law, there is no absolute right to views and sunlight, and many review boards across Alberta have upheld that law. We have personally been involved in several cases. Also, under the MGA, a property owner has the right to develop his or her property in accordance with the LUB and applicable plans and policies, any proposed development on a site would to some extents have an impact on adjacent properties. This could result in relaxations to the LUB.

In terms of sight lines in this case, which is not a relaxation to the LUB, let's look at our drawing #1. The appellant's home faces mostly SW, not directly south, but we are showing the view lines, proposing 6' tall person was standing on the corner of their deck with a sweep angle of 180 degrees directly to the south, the arc view shows of total view of 533' on the arc. The proposed home has an arc sweep of 84'. This demonstrates that only 15% of the view is obstructed. Notice as well, the proposed home is positioned further to the East, providing better sight lines than if the home was placed further to the West.

For demonstration purposes only, in drawing #2, we used the outline of the appellants home, faced it directly south, with room to bring a driveway to the garage. As you can see, the view lines are virtually identical, and any home of the same size would still obstruct a view partially to the South.

In drawing #3, we look at the appellants main view and the positioning of their home. The main



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view is to the southwest and that view is virtually unobstructed.

For drawing #4 we had a survey company provide us with the main floor height of the appellant's home. The main floor of their home is approximately 10' higher than the proposed home and is 184' away from the garage portion of the proposed home. As you can see in the top figure (A), a 6' person standing on the deck would look directly into the main body of the home. To further emphasize the point of view, a home of standard height with no relaxations (figures B and C) would still block some of the view to the south. A similar home to the appellants home would also block some of the sight lines.

With respect to the blocking of the view, we feel any type of home built on the proposed lot would obstruct views and that the placement of the home is quite respectful to the appellant's lot.

The second point mentioned in the appeal is the relaxation to the height bylaw. Generally, relaxations can be granted if they are reasonable and do not adversely affect adjacent properties. If we go back to drawing #4, Figure A, the portion of the roof that starts to exceed the bylaw is 290' away from the adjacent property owner. Also shown by sight lines is that a small portion of only the sky would be blocked by this relaxation when viewed from the appellants deck.

The portion of the roof that is over height is also a minor portion of the overall roof line. If we look at drawing #5, the roof plan from a bird's eye view, the shaded areas show the portions of the roof that are over height, which is 13.64% of the entire roof. The roof portion is also in the center of the roof, not the edges, slopes away from view and blends into the remainder of the roof. It is not an obtrusive block or structure impeding sight lines or sunlight. Any shadows created by this portion of the roof would fall on the existing roof structure.

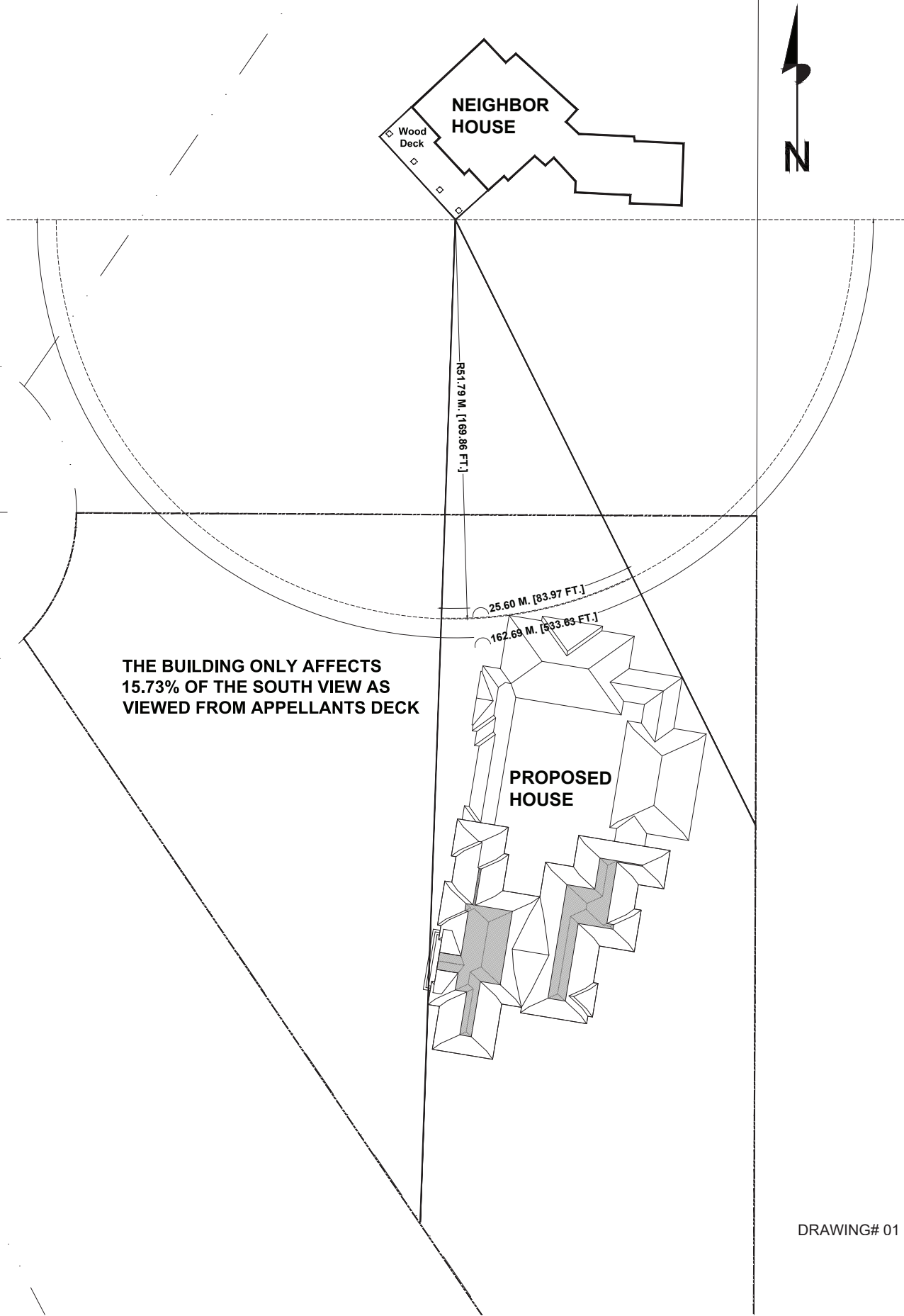
Drawing#6 further shows the area of the roof that is over height from an exterior point of view. The main portions of the roof viewed from the appellants side would be primarily the Left and Right elevations which are smaller triangles of roof.

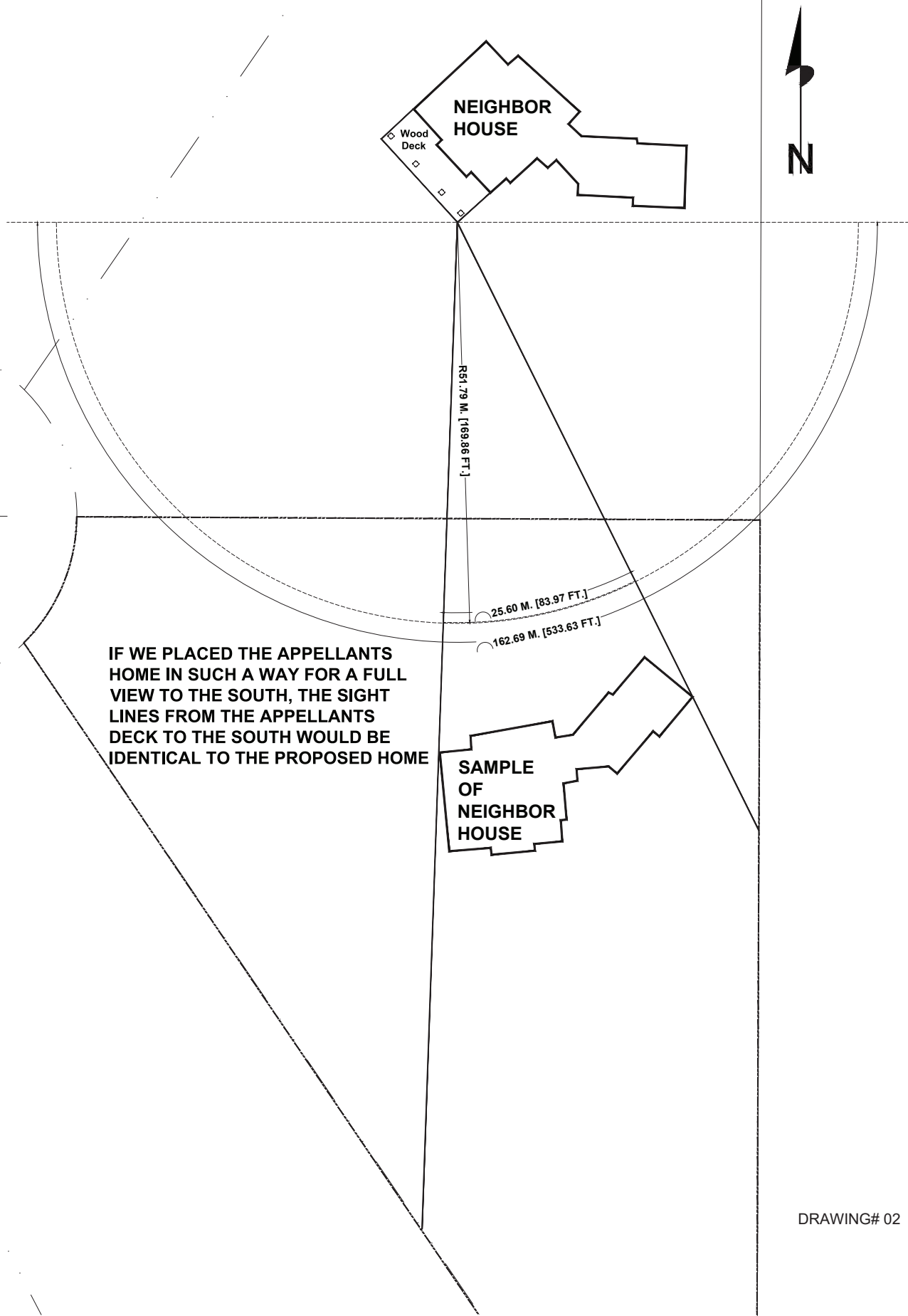
The proposed home went through the Architectural control process for the area and was deemed appropriate for the area. The architectural style of the home was endorsed, and this type of architecture requires the roof design to be of higher roof pitches for proper proportions. A variety of architecture lends to the vibrancy of an area.

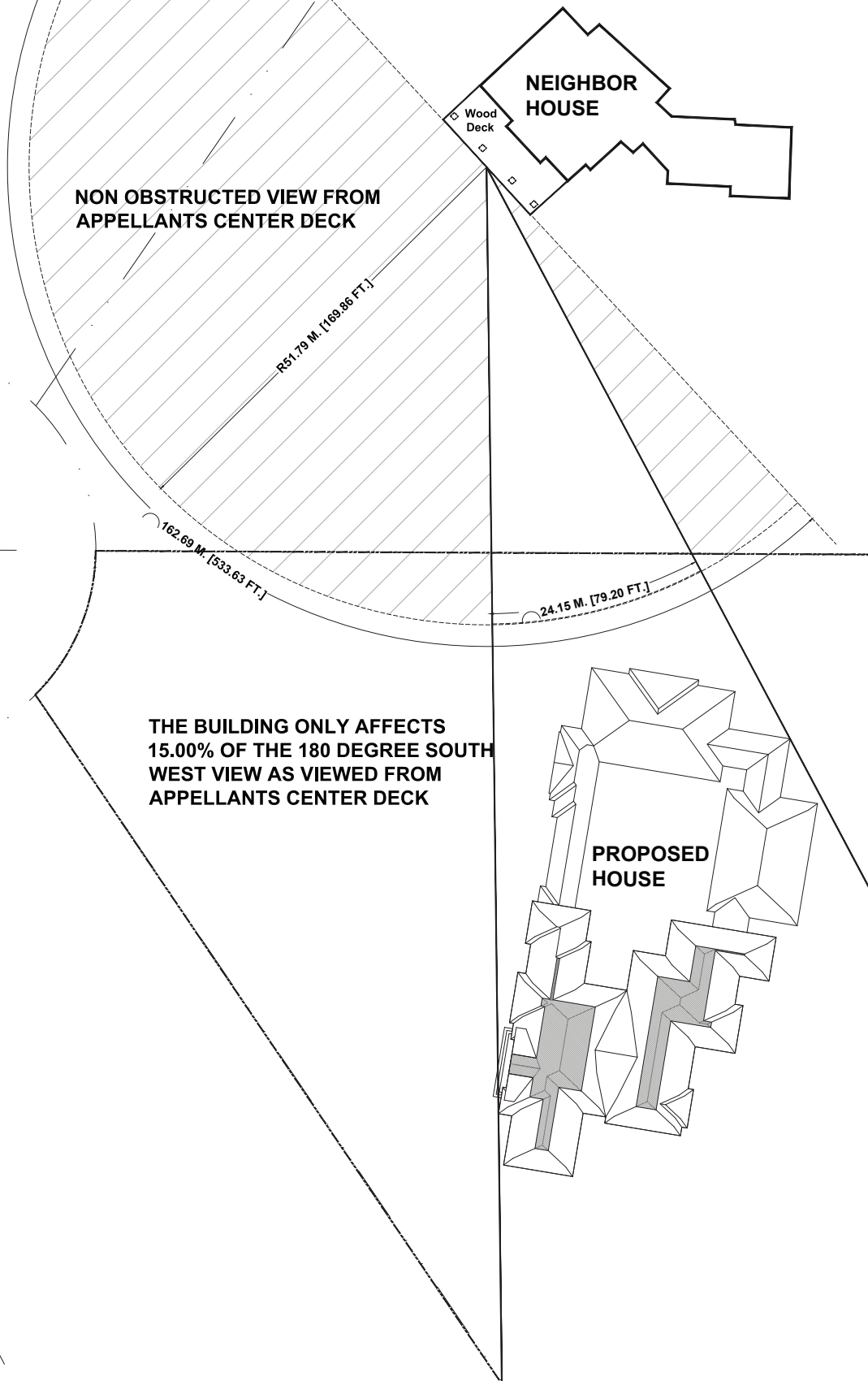
We feel this was a reasonable relaxation to ask Rocky View County for and the County agreed, granting the minor relaxation. We respectfully ask the board to deny the appeal and let the decision stand from the development authority.

Regards,

Tricor Design Group Inc.







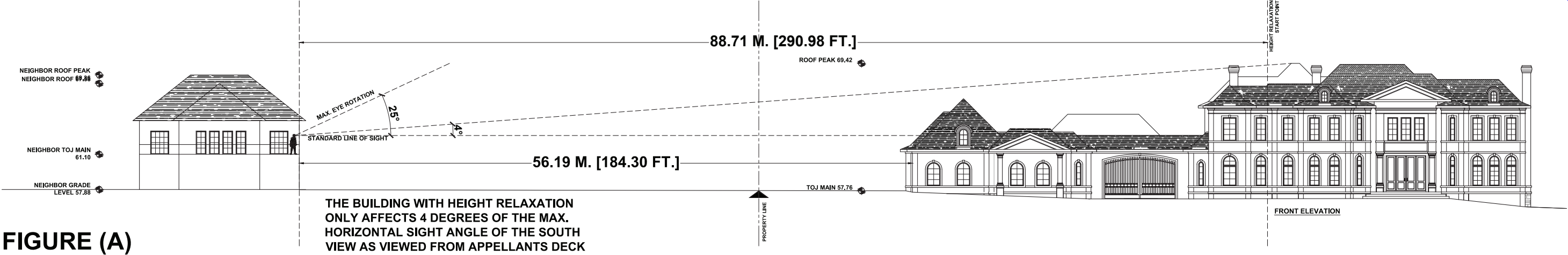


FIGURE (A)

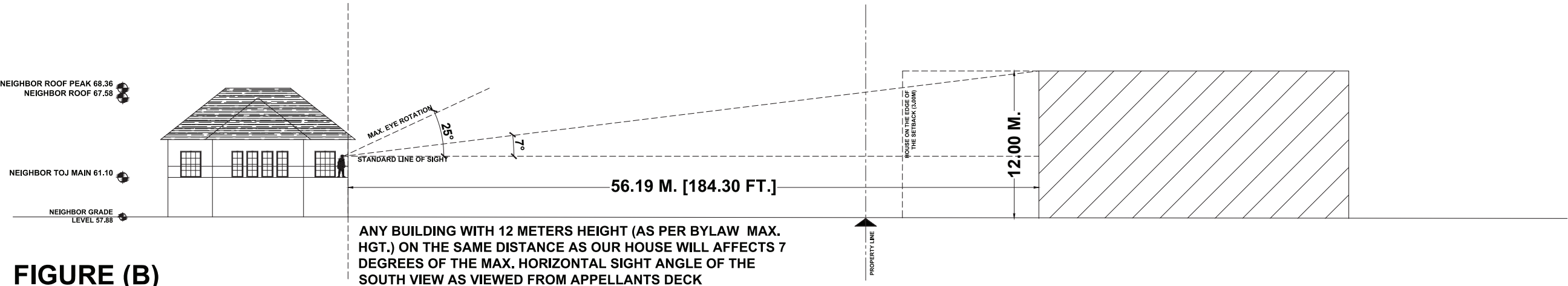


FIGURE (B)

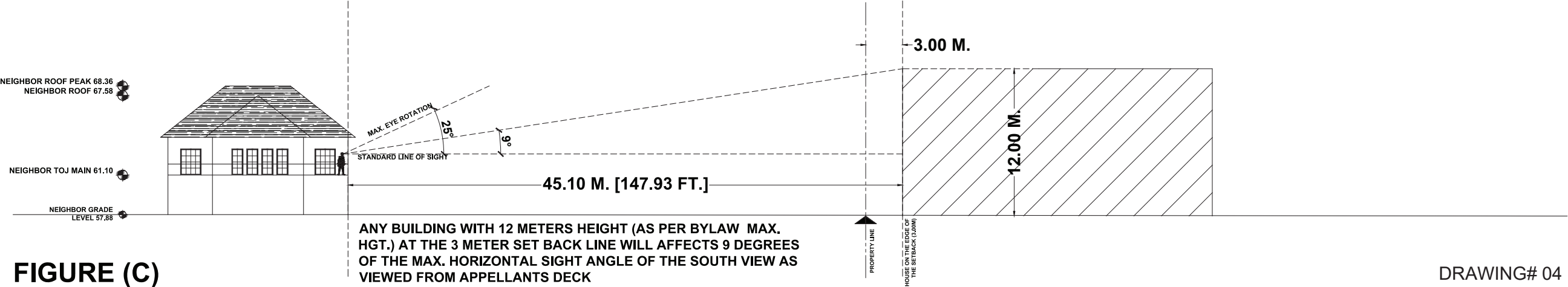
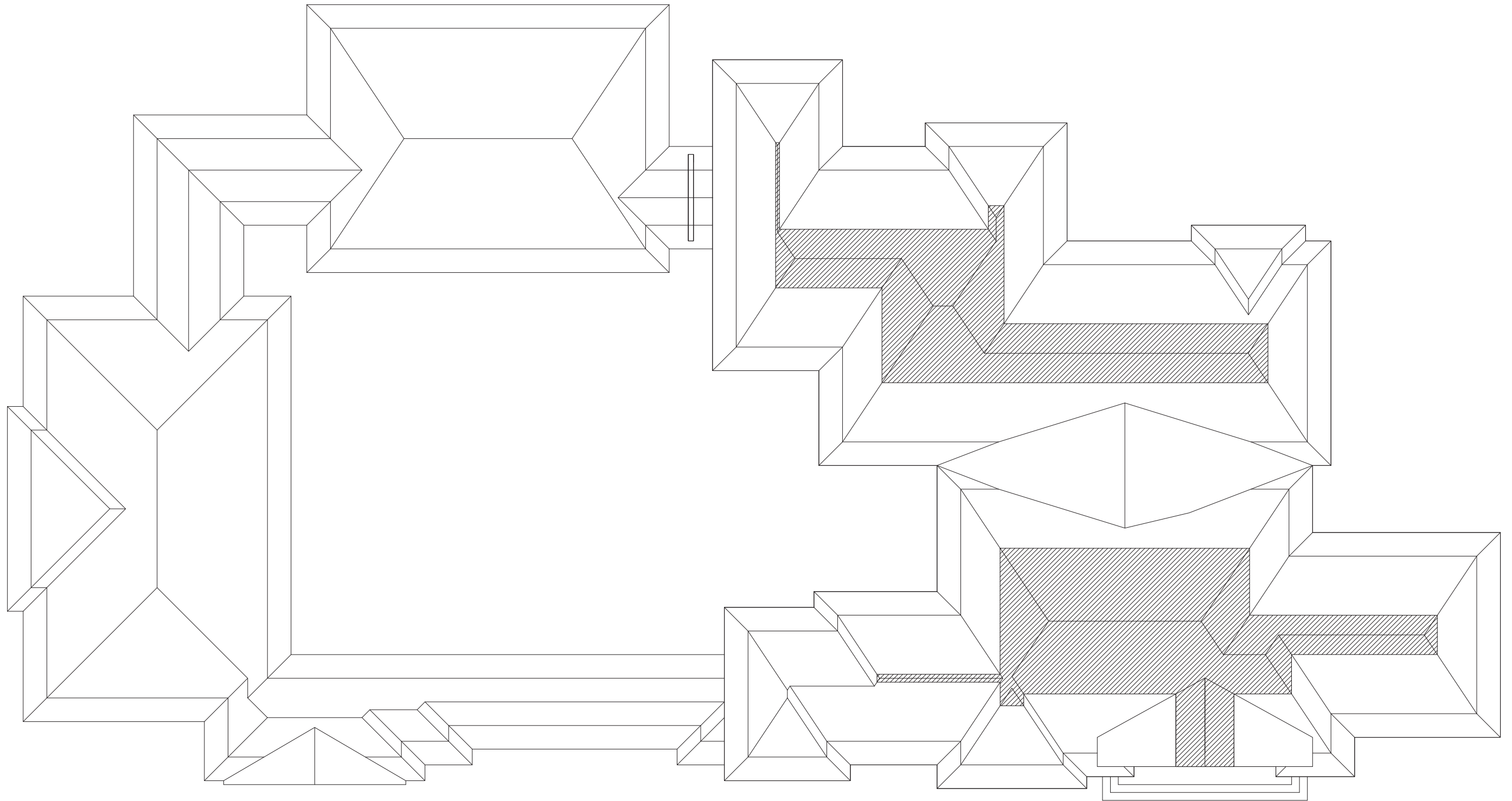


FIGURE (C)



ROOF PLAN

TOTAL ROOF AREA = 10,875 SQ.FT. = 1,010.27 SQ. M.
OVER HEIGHT RELAXED AREA = 1,484 SQ.FT. = 137.84 SQ. M.
PERCENTAGE = 13.64%

