

Appeal of Application

PRDP20212083, 261141 Glendale Road

Application By Matt Machula, Owner Mateusz R. and Lisa J. Machula

Appeal presented by: Gary Brooks & Donald Bobocel

Parties included in Appeal:

Gary Brooks & Leanne Binetruy

Len & Sally Hall

Sean & Lara Freiberg

Donald & Carrie Bobocel

Glenn & Linda Brost

Ronald Cole

Subject Property Satellite photo 2011

261141 Glendale Rd



Subject Property – Satellite photo 2015



Subject Property - Satellite photo 2020



Photo of North of Building

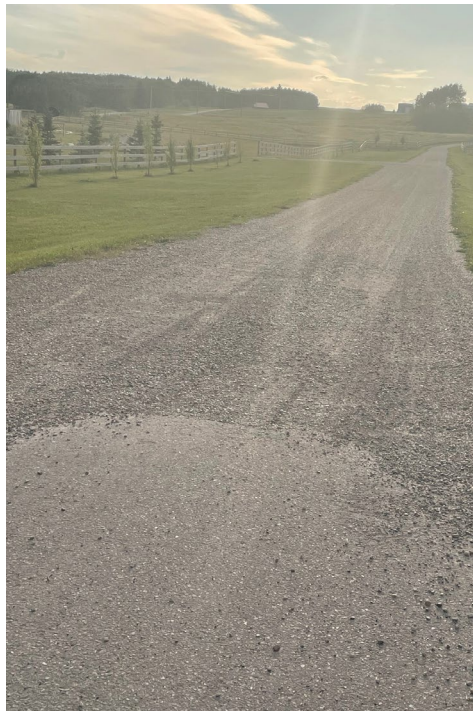


Photo of South of Building





Photos of East of Building

Photo of West of Building



Development
Permit

Application for Home
Based Business II



Rocky View Land Use
Bylaw


Concerns regarding Development Permit

Rocky View Land Use Bylaw No 146

- i) Current screening does not meet requirements of Bylaw, screening shall obstruct view from all adjacent lands and roads.
- ii) Storage on site does not meeting Bylaw, unclear if the is the same material as requested by applicant.
- iii) Bylaw indicates 400 sq m or 1% of lot size whichever is **less**, lot is approximately 16,200 sq m which allows 162 sq m. Current outdoor storage appears to exceed maximum storage

Restricted Covenant on Title

Restrictions Imposed on Lot
by



Owners of properties:

261193 Glendale Road
Gary Brooks & Leanne
Binetruy

261149 Glendale Road
Donny & Carrie Bobocel

Concerning Details of Restricted Covenant

2. No building or development shall be erected on the Lot unless the plans and specifications thereof have been prepared and have been submitted to the Grantors or their agent..."any exterior material shall be new and shall have the color and exterior finishes, including roofing materials which must be approved in writing by the Grantors"
5. No building erected on the lots will be used for any purpose other than as a private single family dwelling house and private garage (2 car minimum) either attached or detached. ...
9. Any fencing installed by an owner of the Lot shall be of new material, either wood, metal or plastic, and the colors and finishing shall be consistent with the exterior finishing. There shall be no barb wire fences.

Concerning Details of Restricted Covenant

12. No recreational vehicles or other vehicles may be stored on the Lot except vehicles owned by the owner of the Lot. ...shall be stored within the garage or screened from view ...

13. No inoperable vehicles or equipment to be stored on the Lot.

17. Any owner of any Lot shall not allow refuse or unsightly objects to remain on the Lot and shall control plant growth and weeds.

30. The failure to enforce any provision, covenant or restriction herein contained shall in no event be deemed to be a waiver of the right to do so thereafter...

Concerns of Gary Brooks, Leanne Binetrui

1. From previous grantor, we understand the building is not complete to development plans. Previous grantor confronted the registered owner who did not comply. Items of concern:
 1. Steel roofing was to be brown in color
 2. Exterior walls were to have stone finish consistent with development plans
 3. Current fence does not conform to agreement
 4. Exterior buildings are outside of covenant allowed
 5. Outdoor storage of non-operable vehicles and boat outside of agreed covenant
 6. Vehicles stored on lot does not conform to covenant
 7. Residents may not be a single family

Concerns of Gary Brooks, Leanne Binetruy

- Property is unsightly.
- We have no evidence that the registered owner intends to comply with any rules or covenants that apply to their property.
- We reached out to the registered owner, they indicated we needed to discuss with the applicant, however neither registered owner or applicant has made effort to discuss with us.

Concerns of Donny & Carrie Bobocel Road Access

- Large commercial trucks have no room to enter property given his current access dimensions. This has led to large trucks loading and unloading on our driveway blocking access for Donny and Carrie Bobocel and encroaching on private property. There is no acceptable room for access or egress from subject property with large equipment and trucks given existing dimensional realities.
- Loading and unloading done with forklift or other similar type machine that has no room to do so without damaging the lawn and treed area that Donny and Carrie Bobocel own, improve and maintain. No room on the driveway outside of this property either.
- Driveway is not built for heavy traffic and Donny and Carrie Bobocel have maintained and repaired it when required in past and current.
- Road access and approach is one of many in a row and heavy trucks and trailers add additional hazard to Glendale Road Traffic. Given that these trucks need to back out onto Glendale from the driveway as there is no room to turn around either on the property in question or on Bobocel Lot. This trailer traffic then needs to back out onto Glendale in a blind fashion.
- Commercial Vehicles thought to be in excess of licensed GRVW 9000 lbs might be kept on the property permanently.

Safety

- Safety of our children and others' children. In that household there is a young child ~5 years old that has been observed out wandering around this equipment while loading and unloading occurs. This is a residential lot, not an industrial site, if an injury particularly to a child, his or ours, occurs on an industrial site, what would happen?
- Damage to my property from ill directed large trucks and trailer. This has happened in past, most recently, earlier this summer. A tractor trailer with a load of building salvage materials drove up into my yard where there were children playing. This truck could not be turned around in my yard either so needed to be backed out maybe 400 meters or more damaging trees, lawn and nearly taking out a section of fence.
- Fire Safety is also a concern with so much wooden construction material, there exists no suitable fire suppression on site, even access for emergency vehicles might be a concern due to driveway layout and the appearance of lack of sufficient spacing.

Unsightly Property

- Growing frequency of industrial Equipment Deliveries and Dispositions. We have noticed a larger volume of stored material and vehicles in the last 2 years. This has led to requests for the county to inspect for land development and unsightly property inspection.
- Past operation of business without license has led to multiple vehicles, some non operable to be stored including RVs and old trucks that may not be owned by the resident of that property. This storage, appears to have had little to do with his construction company and its function.
- Over the years, gentle encouragement like painting his fence for them, cutting grass, planting trees, plowing snow etc while trying to encourage him to keep the site clean, has failed. Over time it has gotten worse, and now if the County allows this to be a licensed site, we feel the results will become much worse since without a license it has been in disarray, how will it be with? Nearly all of the neighboring properties are affected negatively, and we request the county's assistance helping us by denying this application. There has been a history of non-compliance with county intervention, and we are concerned about future non-compliance given the license they now hold.
- Same concerns of Gary Brooks, Leanne Binetruy are shared with Donny and Carrie Bobocel.

Thank you for your
consideration

