

# Gary Brooks and Leanne Binetruy

September 6, 2021

Rocky View County Subdivision Appeal Board  
262075 Rocky View Point, Rocky View County, AB  
T2A 0X2

RE: Appeal Hearing 261141 Glendale Road (subject property), Matt Machula

Dear Subdivision & Development Appeal Board,

I thank you for the opportunity to appeal the development approval of Home Based Business Type II, Construction business with outdoor storage on the subject property.

Gary Brooks and Leanne Binetruy are recently new owners of the property immediately North of 261141 Glendale Road, and with the purchase of this property obtained the grantor rights to the subject property.

The subject property currently is unsightly, unfinished, and we feel it may be affecting our future property values.

My understanding is the main characteristics of Home Based Business Type II, Construction and Outside storage business has specific rules as per 145, 146 and 147 of RVC-Land-Use-Bylaw.

## 145 Home-Based Business (Type II) General Requirements:

- a) Home Based Business (Type II) is an accessory use of a principal dwelling and may utilize its accessory buildings and outside storage,
- b) Home-Based Business (Type II) may generate up to eight (8) business-related visits per day in an Agricultural District and up to four (4) business-related visits per day in all other Districts,
- c) Home-Based Business (Type II) shall not operate between the hours of 18:00 and 8:00 if the business generates noise,
- d) The number of non-resident employees shall not exceed two (2) at any time,
- e) Typical businesses include landscaping contractors, hairdressers, music teachers and day homes, and
- f) Retail, restaurants, and automotive related businesses shall not be permitted as a Home Based Business (Type II).

## 146 Home-Based Business (Type II) Site Requirements:

- a) Outside storage may be permitted at the discretion of the Development Authority provided it complies with the following requirements, which may form conditions for approval:
  - i) Be screened from view of adjacent lands and roads,
  - ii) Meet the minimum setback requirements for buildings, and
  - iii) Not exceed 400 sq m or 1% of the parcel area **whichever is less**,
- b) One (1) Fascia Sign or Freestanding Sign is permitted, at the discretion of the Development Authority.

## 147 Home-Based Business (Type II) Development Permit Requirements:

- a) A Development Permit application will respond to Section 145 and 146,
- b) The maximum term of a Development Permit issued for a Home-Based Business (Type II) is one (1) year,

PHONE

- c) If a subsequent application is applied for before the one (1) year Development Permit has expired, the new Development Permit can be issued for up to five (5) years if:
- i) The application is for the same Home-Based Business (Type II),
  - ii) The Home-Based Business has not violated the conditions of its Development Permit, and
  - iii) There are no active Bylaw enforcement orders related to the Home-Based Business (Type II).

**Discussion and Reasoning for Appeal:**

Regarding the development permit, the conditions of 145 appear to be correct the described usage fits outside storage and a landscape type business. Although it is unclear on item d) if there are less than 2 non-resident employees.

Our main concerns rest in Item 146 where:

- i) Current screening does not obstruct view from all adjacent lands and roads,
- ii) Some storage on site does not appear to meet set back requirements,
- iii) The parcel size is 4 acres approximately 16200 sq m, this requirement allows 400 sq m or 1% storage whichever is less, which translates to 161 square meters of outdoor storage would be allowed. Currently without the items stored behind screening fence the other existing storage on the lot exceeds 161 sq meter of outdoor storage.

Although understanding the development permit is for one year, the concern is the applicant / landowner has already exceeded the allowable outdoor storage and does not respect the development conditions.

**In addition to the current development application and our appeal-**

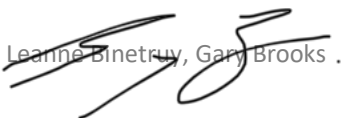
As one of two grantors' properties related to the Restrictive Covenant Agreement, we exercise further concern the landowner will not enforce development conditions on the applicant. Given the landowner has not respected the restricted covenants imposed on the development of this 4-acre lot. The landowner specifically has not complied to:

- Item 2 - Where the exterior finishes of the buildings have not met the development permit or the expectations of the original grantor.
- Item 5 - Where the building is to be a private single-family dwelling
- Item 9- The fencing shall be consistent finishing with the exterior of the building
- Item 12- No recreational or other vehicles may be stored on the lot.
- Item 13- No inoperable vehicles or equipment is to be stored on the lot.
- Item 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.

Lastly, upon notice of the development permit we reached out to the landowners to gain knowledge and understanding of the requested development permit. We did exchange text messages which we gained less information than what the development letter indicated to us. At that time, I stated I was concerned and wished to have a meeting regarding this permit. The landowner nor the applicant has made any effort to contact us or explain the purpose of the development permit. It does not inspire confidence that the landowner or applicant have any care or concern about the impact of their land usage on their neighbors or grantors. After a few days had passed I submitted my appeal letter.

We thank you for your time to review our appeal, and respect that you will make the best decision regarding the status of the development permit.

Sincerely,

  
Leanne Binetruy, Gary Brooks .

September 2, 2021

RE: Appeal 06708012 to Application PRDP20212083  
Rocky View County

Donald & Carrie Bobocel  
2161149 Glendale Road  
Rocky View County, AB  
T4C 2Y8

To whom it may concern,

As it pertains to the PRDP20212083 approval of Home based business and storage by the County, we strongly support the appeal effort of this approval.

This property is governed by architectural controls and the owners of this property have shown little effort in the compliance with these controls. It is not our intent to outline each of the numerous items here in this letter, but it should serve as a background to the approval currently up for discussion. Also, there have been a number of unsightly premises and development concerns raised in past years that have been closed with minimal satisfaction to neighboring properties.

Our concerns lie in the **safety** of this operation as it is questionable that loads of building materials, to sometimes trash, or salvage material to be stored on site. Much of this material is combustible and there is not additional fire suppression equipment on site. Also, we suspect that some this waste wood material is being burned in their home wood stove as the smell is poignant in the winter and has been an irritant to the seniors in the area.

Secondly, children play in the area and on this shared driveway and the commercial traffic is an additional risk. The Machula residence has young children as well, that are usually in the yard during these operations and this poses additional risk to them. Children at a commercial worksite does complicate matters.

The driveway due to its **dimensions and access** poses issues to larger vehicles entering their land. This lot has poor access and it is not possible for trucks to turn in for access into the lot, to load and unload the construction materials. Instead, our shared driveway has been used for such in the past which has resulted in the obstruction of the adjoining lots' access (ours). This results in the loss of use of this access for the period of time required to load and unload, as well as causes damage to the surrounding vegetation that is maintained by us, Donny and Carrie Bobocel. The driveway is not sufficient for heavy traffic and is solely maintained by us to this point. The large truck traffic, in addition to using others' property, needs to back up blindly out onto Glendale Road, as there is no room to enter this lot or to turn around. That has led to past loads going up into our yard to turn around, which is not possible there either, for vehicles of that size. This is a commercial intrusion into a quiet residential area. As the land owners of the driveway, with the Machula lot having an easement for their driveway, we expect that we have rights to how our driveway is being used since truck traffic will extend past the jointly held access and infringe onto our access.


This home based business type is not suitable for this lot, and we kindly ask the council retract this approval for these and other concerns made by us and nearly every other nearby land owners.

Sincerely,

Donald Bobocel



Carrie Bobocel



Date: September 1, 2021

To: Rocky View County Subdivision and Development Appeal Board

From: Leonard J Hall and Sally A Hall  
261 209 Glendale Road, Rocky View County

Re: PRDP20212083

Please be advised we are strongly in "Support of the Appeal" to the approval of the Development Permit identified above.

The property granted the permit is a small residential holding in a agriculture / residential area, with limited natural barriers, and already has outbuildings on site. Although there are Home-Based Businesses in the area, the addition of an "outside storage business" in our view is totally inappropriate due to the limited size of the site, visibility from a main road, and proximity to other residential properties.

We trust this Appeal will be supported in order to maintain the Agriculture / Residential nature of the area, as opposed to it becoming an area with Commercial Development.

Thank you for your attention to this concern.

Sincerely,

Leonard J Hall

Sally A Hall

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20-AUG-2021

RE: Notice of Appeal  
Application # PRDP20212083

Glen Valley Farm  
261091 Glendale Road  
Rocky View County AB  
T4C 2Y8

My name is Ronald Cole. I am the owner of Glen Valley Farm. It was originally a commercial dairy farm but it is now a 19 acre equine custom- care facility catering to a limited number of horses in need of special attention.

I have reviewed Mr. Machula's proposal for a home-based construction and outside storage business and I find it troubling. I fully understand his desire to have equipment near at hand for security purposes, but most equipment and supplies are kept under cover. I have equipment and supplies on my farm that are kept in the machine shed, tool shed, or hay shed when not in use, and I would never leave them outside and exposed to the weather or to the view of visitors or customers if possible.

During the 47 years that I have lived on Glendale Road I have seen many changes. The first thing I did after I got settled was to change all the barbed wire fencing to plank fencing and to upgrade the dirt road leading into the yard to a proper driveway. I painted, upgraded or replaced every building on the farm and built a new barn. I was flooded with requests to take horses. I learned that there are four things that customers want (after a good price): 1: Convenient location; 2: first class service; 3: neat and clean appearance; and especially 4: atmosphere. By atmosphere they mean how the next door properties look and how the neighbors behave.

I am not convinced that having uncovered construction and building material in plain view is a good idea. If it is covered or hidden from view by trees or shrubs it might not even be noticed, but drivers on Glendale Road might have a different point of view. My suggestion to RVC is to assist Mr. Machula to sell his Glendale property and relocate in a more industrial area on a larger and more easily managed property where he could use his interests and skills to grow his business and provide a good home for his family. I am sure he would benefit.

NOTE

To have a look at my web site see: [glenvalleyfarm.ca](http://glenvalleyfarm.ca). The address has not been updated recently due to computer glitches.

Ronald F. Cole  
403 932-2794

*Ronald F. Cole*

Date: September 1, 2021

To: Rocky View County Subdivision and Development Appeal Board

From: Leonard J Hall and Sally A Hall  
261 209 Glendale Road, Rocky View County

Re: PRDP20212083

Please be advised we are strongly in "Support of the Appeal" to the approval of the Development Permit identified above.

The property granted the permit is a small residential holding in a agriculture / residential area, with limited natural barriers, and already has outbuildings on site. Although there are Home-Based Businesses in the area, the addition of an "outside storage business" in our view is totally inappropriate due to the limited size of the site, visibility from a main road, and proximity to other residential properties.

We trust this Appeal will be supported in order to maintain the Agriculture / Residential nature of the area, as opposed to it becoming an area with Commercial Development.

Thank you for your attention to this concern.

Sincerely,

Leonard J Hall

Sally A Hall

August 21, 2021

Re: Application Number PRDP20212083

We are writing this letter to appeal the approval of a construction and outside storage business at 261141 Glendale Road. Our concerns relate to the negative impacts this business will have on adjacent properties and the surrounding area. We live in a beautiful, serene area of Rocky View County with well-maintained homes, properties and horse-boarding facilities.

The 4-acre property on which the construction and outside storage business is to be located is the exception to this. Pictures included with this letter and others illustrate the unsightly lot with an unfinished home; haphazard structures including a chicken coup, sea can, small shed, green house/storage structure made of plastic held together with red tape; piles of wood, rocks, dirt, chicken manure and assorted building materials; and more recently old trucks, trailers, boat, etc.

Over the years we have always been hopeful that this property would be improved. We have never complained nor called the county regarding our concerns but have reached our limit. No significant improvements have been made and more unsightly materials keep appearing. There is an obvious disregard of neighbourhood aesthetics, community standards, building requirements and County bylaws (such as the number of animal units allowed on 4 acres) by the owner.

Given this history, we do not believe that a construction and outside storage business should be approved for this lot.



Glenn Brost



Linda Brost

261111 Glendale Road

Rocky View County, AB

T4C 2Y8



August 16, 2021

RE: Building permit—Application # PRDP20212083

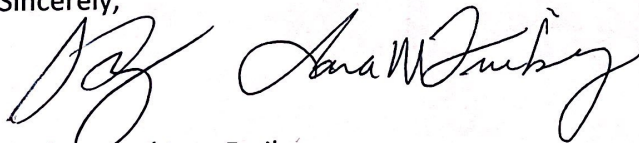
To Whom It May Concern,

I am writing this letter in appeal of building the proposed outside storage facility. My concerns revolve around the affect this structure will have on the value of our home and property as well as the beautiful surroundings of this area. The application has no specifications on the location, size, colour, surrounding landscaping plans, nor architectural designs and features.

The current home on the property has several unfinished exterior deficiencies (See photographs of deficient soffit, fascia, and stucco with exposed Tyvek paper.) There are also other structures on the property that have similar unsightly finishing deficiencies along with a greenhouse that appears to be held together with strips of red tape. In addition, the property owner has encroached upon our property line with the chicken enclosure which alerts me to the fact that there is little concern for detail nor respect for neighboring properties.

When we recently moved, we were surprised that a home in this condition met county bylaw requirements. We are concerned that the new storage structure will also have similar unsightly deficiencies with the exterior finishing and surrounding landscape. It seems clear that the architectural guidelines for Rocky View County are not being adhered to by the property owner nor is the county enforcing any architectural guidelines set out in the bylaws. Consequently, we are concerned that another structure will be built with similar poor-quality design and construction which does not harmonize with the beautiful surroundings of the area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dr. Sean and Lara Freiberg', written in a cursive style.

Dr. Sean and Lara Freiberg  
261121 Glendale Road  
Rocky View County, AB T4C 2Y8