

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

Date: Wednesday, December 16, 2020  
Time: 9:00 AM  
Location: <https://www.rockyview.ca/>

**Pages**

**A. CALL MEETING TO ORDER**

**B. DEVELOPMENT APPEALS**

**9:00 AM APPOINTMENTS**

**1. Division 1 File: 03913093 PRDP20202490**

**2**

An affected party appeal against the Development Authority's decision to approve a development permit application for the operation of a vacation rental within an existing single detached dwelling at 79 River Drive North (Lot 6 Block 8 Plan 1741 EW SE-13-23-05-W5M) and located in the hamlet of Bragg Creek.

Appellant: Michele and Joe Longo

Applicants/Owners: Teresa and Matthew Weir

**10:30 AM APPOINTMENTS**

**2. Division 1 File: 03909050 PRDP20202423**

**39**

The continuation of an affected party appeal against the Development Authority's decision to approve a development permit application for the construction of an accessory building (oversize shop), relaxation of the maximum building height and relaxation of the maximum accessory building parcel coverage at 231178 Range Road 54 (Lot 5; Plan 9212650 NW-09-23-05-W05M) and located approximately 0.41 km (1/4 mile) south of Township Road 232 and on the east side of Range Road 54.

Appellant: Clint Docken, Julie Docken, Jorgen Scheel and Monica Scheel

Applicant/Owner: Chris Johnson

**C. ADJOURN THE MEETING**

**D. NEXT MEETING**



## PLANNING AND DEVELOPMENT SERVICES

**TO:** Subdivision and Development Appeal Board

**DATE:** December 16, 2020

**DIVISION:** 1

**FILE:** 03913093

**APPLICATION:** PRDP20202490

**SUBJECT:** Vacation Rental

<b>PROPOSAL:</b> Vacation Rental	<b>GENERAL LOCATION:</b> Located in the Hamlet of Bragg Creek.
<b>APPLICATION DATE:</b> August 25, 2020	<b>MUNICIPAL PLANNING COMMISSION DECISION:</b> Approved
<b>APPEAL DATE:</b> November 23, 2020	<b>MUNICIPAL PLANNING COMMISSION DECISION DATE:</b> October 30, 2020
<b>APPELLANT:</b> Michele and Joe Longo	<b>APPLICANT:</b> Teresa and Matthew Weir
<b>LEGAL DESCRIPTION:</b> Lot: 6, Block: 8, Plan 1741 EW, SE-13-23-05-05	<b>MUNICIPAL ADDRESS:</b> 79 River Drive North
<b>LAND USE DESIGNATION:</b> Residential, Residential Urban District (R-URB)	<b>GROSS AREA:</b> ± 0.22 hectares (± 0.55 acres)
<b>PERMITTED USE:</b> Discretionary Use	<b>DEVELOPMENT VARIANCE AUTHORITY:</b>
<b>PUBLIC SUBMISSIONS:</b> The application was circulated to thirteen (13) adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>• County Plan</li> <li>• Land Use Bylaw</li> <li>• Greater Bragg Creek Area Structure Plan</li> </ul>

### EXECUTIVE SUMMARY:

The proposal is for the operation vacation rental within an existing dwelling, single detached. The subject land is designated Residential, Rural District. The property is surrounded by residential districts and a Special Public Service District to the east. The subject land is located within the Hamlet of Bragg Creek. The parcel contains a single detached dwelling and an accessory building.

The Development Permit application was made on August 25, 2020. The Application was a result of an enforcement action and that enforcement file was closed, with application being made.

On October 29, 2020, the application was approved by the Municipal Planning Commission.

The Notice of Decision was circulated on October 30, 2020, to thirteen (13) adjacent landowners.

On November 23, 2020, Michele and Joe Longo, adjacent landowners, filed an appeal. The reasons for appeal are detailed in the agenda package.

**PROPERTY HISTORY:**

Date	File/Application #	Type	Result
August 25, 2020	PRDP20202490	Application submitted	Development Permit application made as a result of an enforcement action. The enforcement file was closed upon development permit application.
September 2, 2020		Site inspection	Inspector's comments: <ul style="list-style-type: none"> <li>• Well screened</li> <li>• Neat and tidy,</li> <li>• Adequate parking,</li> <li>• No concerns at time of inspection</li> </ul> Site photos were taken at time of inspection.
October 29, 2020		Municipal Planning Commission	Application was approved.
October 30, 2020			Notice of Decision sent to applicant and adjacent landowners.

**APPEAL:**

See attached report and exhibits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S MacLean', written over a horizontal line.

Sean MacLean  
Supervisor, Planning and Development Services

WV/lt

**ATTACHMENTS:**

ATTACHMENT 'A': Subdivision and Development Appeal Board Report  
 ATTACHMENT 'B': Application Details  
 ATTACHMENT 'C': Inspection Report and Site Photos  
 ATTACHMENT 'D': Map Set  
 ATTACHMENT 'E': Site Plan  
 ATTACHMENT 'F': Notice of Decision  
 ATTACHMENT 'G': Notice of Appeal

## DEVELOPMENT PERMIT REPORT

<b>Application Date:</b> August 25, 2020	<b>File:</b> 03913093
<b>Application:</b> PRDP20202490	<b>Applicant:</b> Matthew and Teresa Weir <b>Owner:</b> Matthew and Teresa Weir
<b>Legal Description:</b> SE-13-23-05-W5M <b>Municipal Address:</b> 79 River Drive North	<b>General Location:</b> Located in the hamlet of Bragg Creek
<b>Land Use Designation:</b> Residential, Urban District (R-URB) under Land Use Bylaw C-8000-2020	<b>Gross Area:</b> ± 0.22 hectares (± 0.55 acres)
<b>File Manager:</b> Wayne Van Dijk	<b>Division:</b> 1

### PROPOSAL:

The application is for the operation of a vacation rental within an existing dwelling, single detached.

*Note: the application was assessed in accordance with Land Use Bylaw C-8000-2020.*

The application is a result of an enforcement issue but that issue is resolved with this application being made. The applicants wish to utilize their property as a vacation rental property. The current dwelling is approximately 92.90 sq. m. (1000 sq. ft.) with three (3) bedrooms and two (2) bathrooms with a total of five (5) beds. The application states that there is adequate egress and a total of five (5) combination smoke/CO detectors in the dwelling, smoke extinguishers located at each exit and there is a wood burning stove that is professionally inspected annually.

The application states that the owners have a strict no-noise policy and do not allow for any events/parties to be held on the property and they also do not allow/permit any tenting and/or camping.

The applicant has stated that a large, 1.82 m (6.00 ft.), privacy fence has been constructed on the property line to the north and that they are installing sound monitoring devices around the property.

### Land Use Bylaw C-8000-2020

*Section 332 Discretionary Uses*

*Vacation Rental*

*Part Eight Definitions*

a) "Vacation Rental" means a Dwelling Unit that is rented online via a hospitality service brokerage company that arranges lodging such as Airbnb, Vrbo, turnkey, HomeAway etc.

- There is one Dwelling Unit, Single-Detached on this parcel and the applicant utilizes an online brokerage service to book accommodations.

### *Onsite Parking and Loading*

*As per Table 5-Parking Minimums, Vacation Rental has the same parking requirements as Dwelling type.*

- No additional parking requirements at this time.



**STATUTORY PLANS:**

The site falls within The Greater Bragg Creek Area Structure Plan (Bylaw C-7602-2016). That plan does not address applications such as this and this application was assessed utilizing the Land Use Bylaw (C-8000-2020).

**INSPECTOR'S COMMENTS:**

- Well-screened, neat and tidy;
- Adequate parking;
- No concerns at time of inspection.

**CIRCULATIONS:**Development Compliance, Rocky View County

- This application is the result of an enforcement issue. As an application has been filed, Development Compliance has no comments at this time.

Utility Services

- The only comment I would have is that if they are not already hooked up to County water and wastewater that they be required to as a condition of approval.

Fire Services and Emergency Management

- No comments at this time.

Planning and Development Services - Engineering Review

- Engineering has no requirements at this time (as this is for an existing development) for this DP application.

No other comments received at time of report writing

**OPTIONS:**

Option #1: (this would approve the proposed development)

APPROVAL subject to the following conditions:

**Description:**

1. That the *Vacation Rental* (Airbnb) may operate on the subject property, within the existing dwelling, single detached, in accordance with the approved site plan, floor plans and the conditions of this permit.

**Permanent:**

2. That no off-site advertisement signage associated with the Vacation Rental shall be permitted.
3. That there shall be no non-resident employees at any time, with the exception of cleaning companies (if required).
4. That the *Vacation Rental* shall be limited to the dwelling, single detached.
5. That the Owner shall be responsible for ensuring that any renters are familiar with the property boundaries, whether that be by means of a fence, signage, or other means, to ensure no trespassing to adjacent properties.
6. That all customer parking shall be on the Owner's property at all times.



7. That the operation of the vacation rental shall not change the residential character and external appearance of the land and dwellings.
8. That the operation of this *Vacation Rental* shall not generate noise, smoke, dust, fumes, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of adjacent residential dwellings shall be preserved. The *Vacation Rental* shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
9. That the operation of the *Vacation Rental* shall be subordinate and incidental to the principal use of the dwelling unit as an owner-occupied residence.
10. That any minimal exterior modification of the structure or grounds may be considered by the County upon request, to ensure that no additional permits are required and that it is not changing the residential character of the property.

**Advisory:**

11. That a Building permit and applicable sub trade permits shall be obtained through Building Services, if required, prior to commencement of the *Vacation Rental*.
12. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
13. That this Development Permit shall be valid until **November 25, 2023**, at which time a new application shall be submitted. *Note, that the County will take into consideration any enforcement action of this Vacation Rental prior to considering subsequent applications.*

Option #2: (this would not allow the proposed development)

REFUSAL as per the following reasons:

1. That in the opinion of the Development Authority, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.













ROCKY VIEW COUNTY  
Cultivating Communities

20202490  
APPLICATION FOR A  
**DEVELOPMENT PERMIT**

FOR OFFICE USE ONLY	
Fee Submitted \$515.00	File Number 039/3093
Date of Receipt Aug 25, 2020	Receipt # 2020025179

Name of Applicant Matthew Weir + Teresa Weir Email \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_

For Agent \_\_\_\_\_

Registered Owner (if not applicant) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Postal Code \_\_\_\_\_

Telephone (B) \_\_\_\_\_

(H) \_\_\_\_\_

Fax \_\_\_\_\_

**1. LEGAL DESCRIPTION OF LAND**

- a) All / part of the SE  $\frac{1}{4}$  Section 13 Township 23 Range 5 West of 5 Meridian  
 b) Being all / parts of Lot 6 Block 8 Registered Plan Number 1741EW  
 c) Municipal Address 79 River Drive N. Rocky View County, Alberta T0L 0K0  
 d) Existing Land Use Designation R-URB Parcel Size 2,231.68 m<sup>2</sup> Division 01

**2. APPLICATION FOR**

To utilize our property as a Vacation Rental.

**3. ADDITIONAL INFORMATION**

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes \_\_\_\_\_ No X  
 b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes \_\_\_\_\_ No X  
 (Sour Gas facility means well, pipeline or plant)  
 c) Is there an abandoned oil or gas well or pipeline on the property? Yes \_\_\_\_\_ No X  
 d) Does the site have direct access to a developed Municipal Road? Yes X No \_\_\_\_\_

**4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF**

MATTHEW WEIR, TERESA WEIR hereby certify that X I am the registered owner  
 (Full Name in Block Capitals)

\_\_\_\_\_ I am authorized to act on the owner's behalf

and that the information given on this form  
 is full and complete and is, to the best of my knowledge, a true statement  
 of the facts relating to this application.

Affix Corporate Seal  
 here if owner is listed  
 as a named or  
 numbered company

Applicant's Signature Matthew Weir

Date August 19, 2020

Owner's Signature Matthew Weir

Date August 19, 2020

**5. RIGHT OF ENTRY**

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.



Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.

I, MATTHEW WEIR + TERESA WEIR, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

  
SignatureAugust 19, 2020  
Date



\_\_\_\_\_

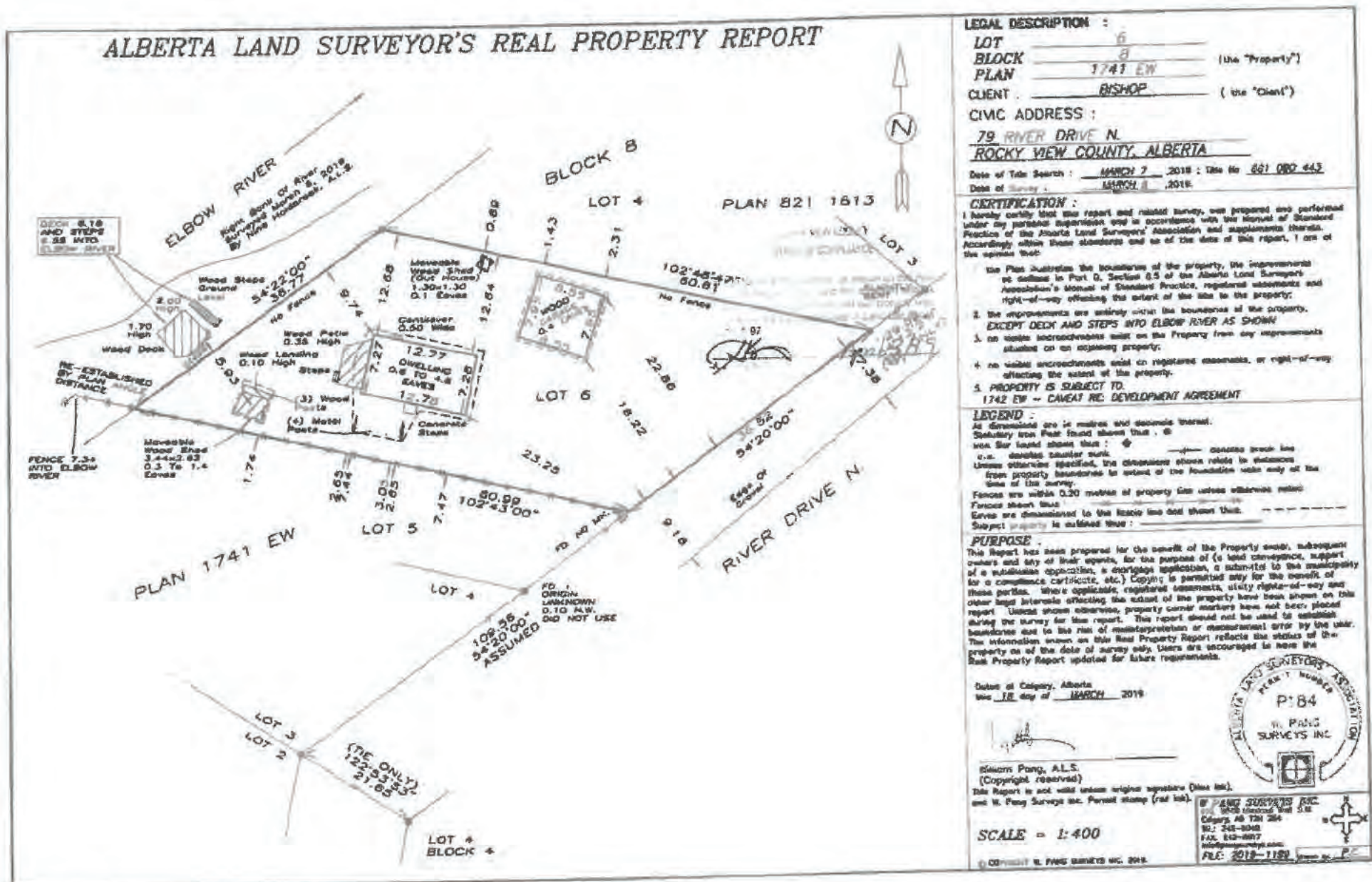
GOVERNMENT OF CANADA

We have been operating a short-term vacation rental at the address of 79 River Drive North in the Hamlet of Bragg Creek for approximately one year. The rental consists of a 1000 sqft house situated on a 0.55 acre lot that backs onto the Elbow River. The house has three bedrooms, two bathrooms and sleeps a total of six people in five beds; each bedroom has a large window that meets egress requirements. The house has a total of five combination smoke/CO detectors, one in each of the bedrooms and in the common spaces. The house has a wood burning stove that is inspected and cleaned by a certified professional on an annual basis and there is a fire extinguisher located at each exit of the house.

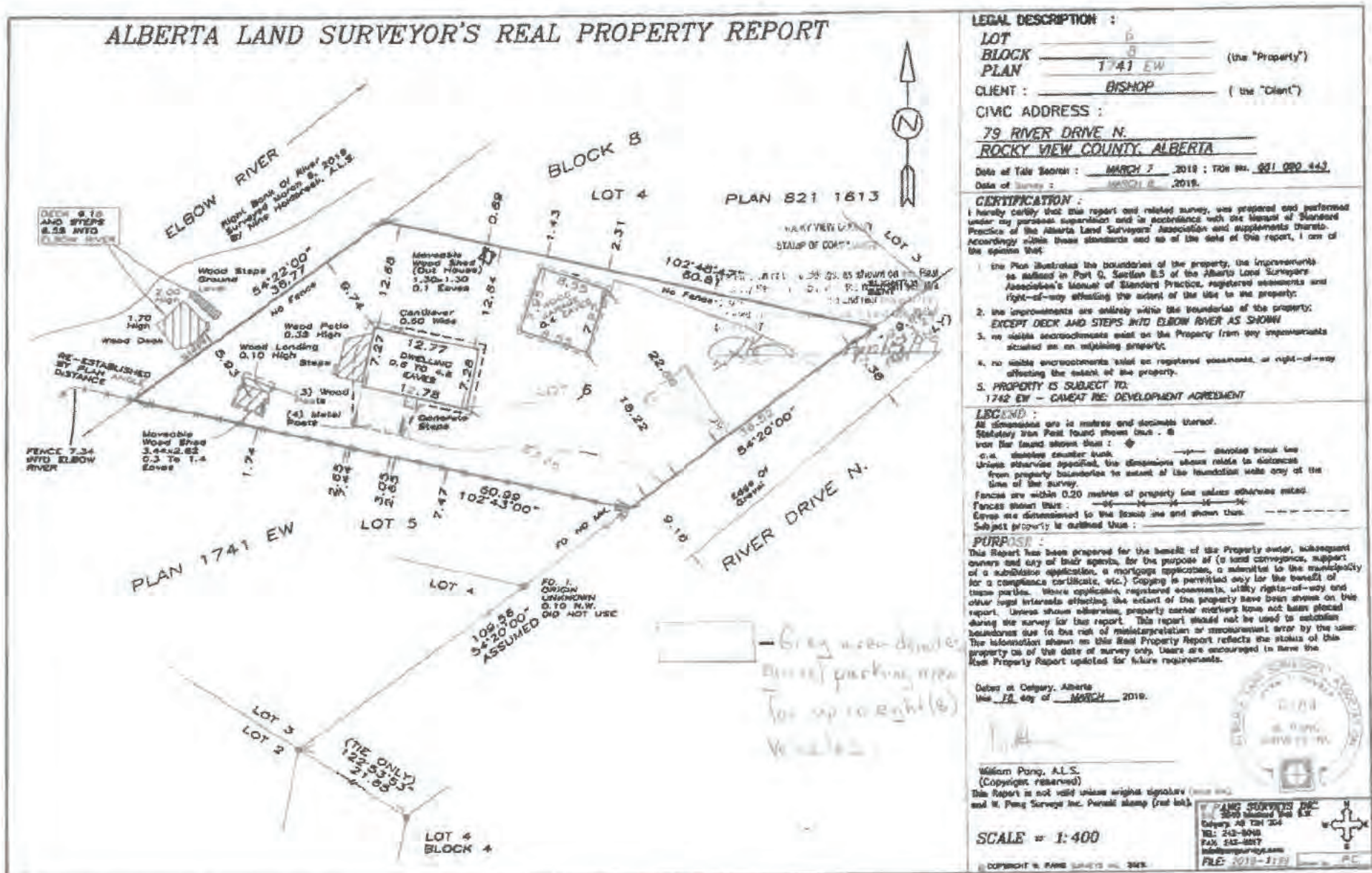
We are applying for a business development licence to operate our Vacation Rental under the new Rocky View County Land Use Bylaw C-8000, 2020.

~~John~~ P. White

Matthew and Nicole Weir









# ROCKY VIEW COUNTY

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

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

*we* SW

## Inspection Request

Roll #: 03913093 DP #: PRDP20202490

Applicant/Owner: Weir, Teresa N & Matthew R  
Legal Description: Lot 6 Block 8 Plan 1741 EW, SE-13-23-05-05  
Municipal Address: 79 RIVER DRIVE NORTH, Bragg Creek AB  
Land Use: R-2  
Reason for Inspection: Operation of a vacation rental.

### Inspection Report

Date of Inspection: Sept. 2/20

Permission granted for entrance? Yes

#### Observations:

- well-screened  
- neat + tidy  
- adequate parking.  
- no concerns at time of inspection

Signature: *W. V. [Signature]*



















































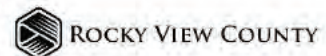
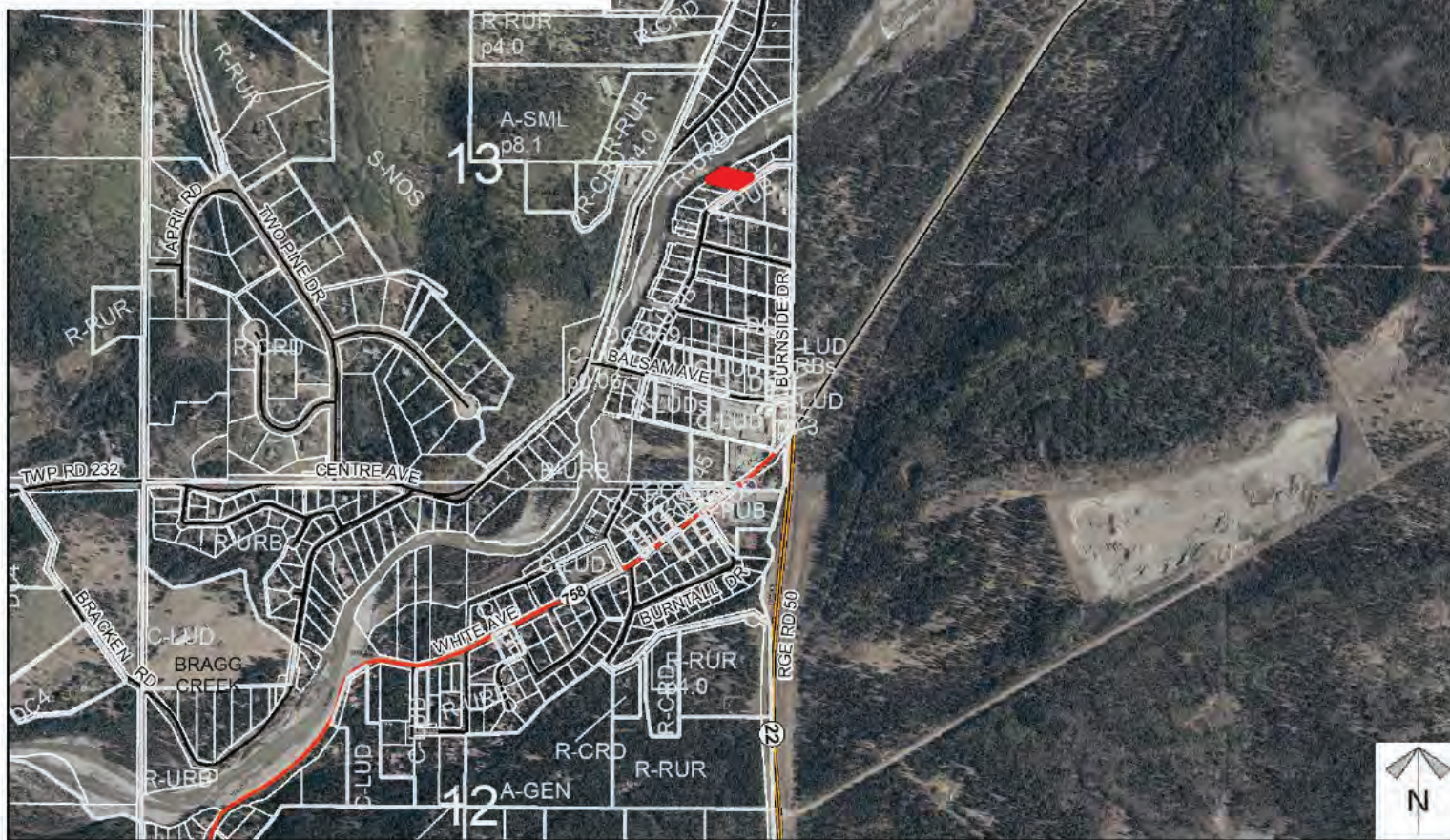
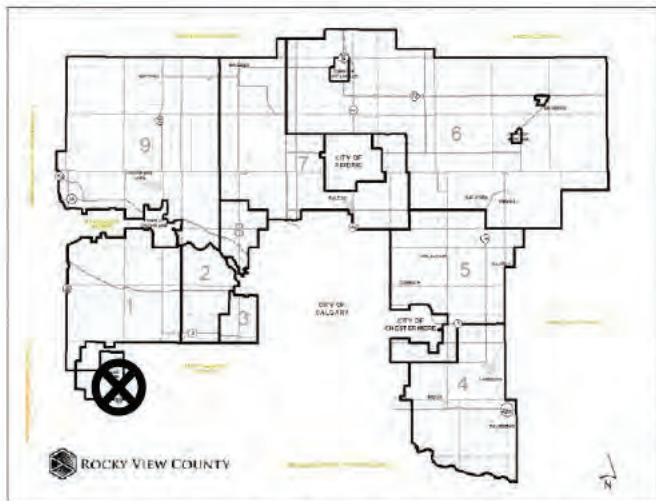








**ATTACHMENT 'D': MAP SET**



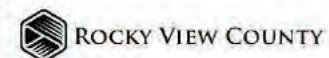
## Location & Context

Vacation Rental (existing dwelling, single detached)

Division: 1  
Roll: 03913093  
File: PRDP20202490  
Printed: October 14, 2020  
Legal: Lot 6, Plan 1741 EW,  
Block 8, within  
SE-13-23-05-W05M

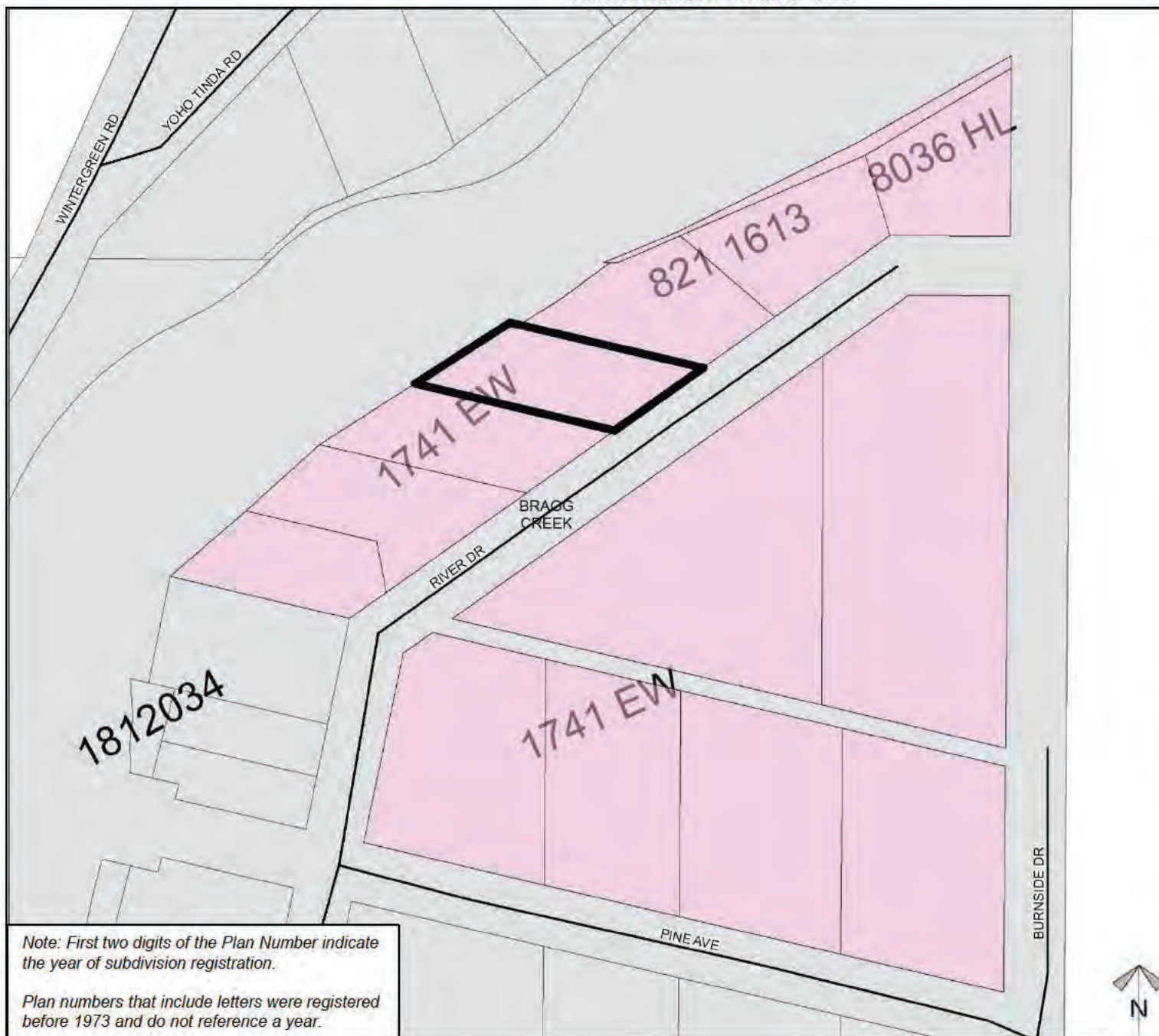


ATTACHMENT 'D': MAP SET



# Landowner Circulation Area

Vacation Rental (existing  
dwelling, single detached)



## Legend

Support



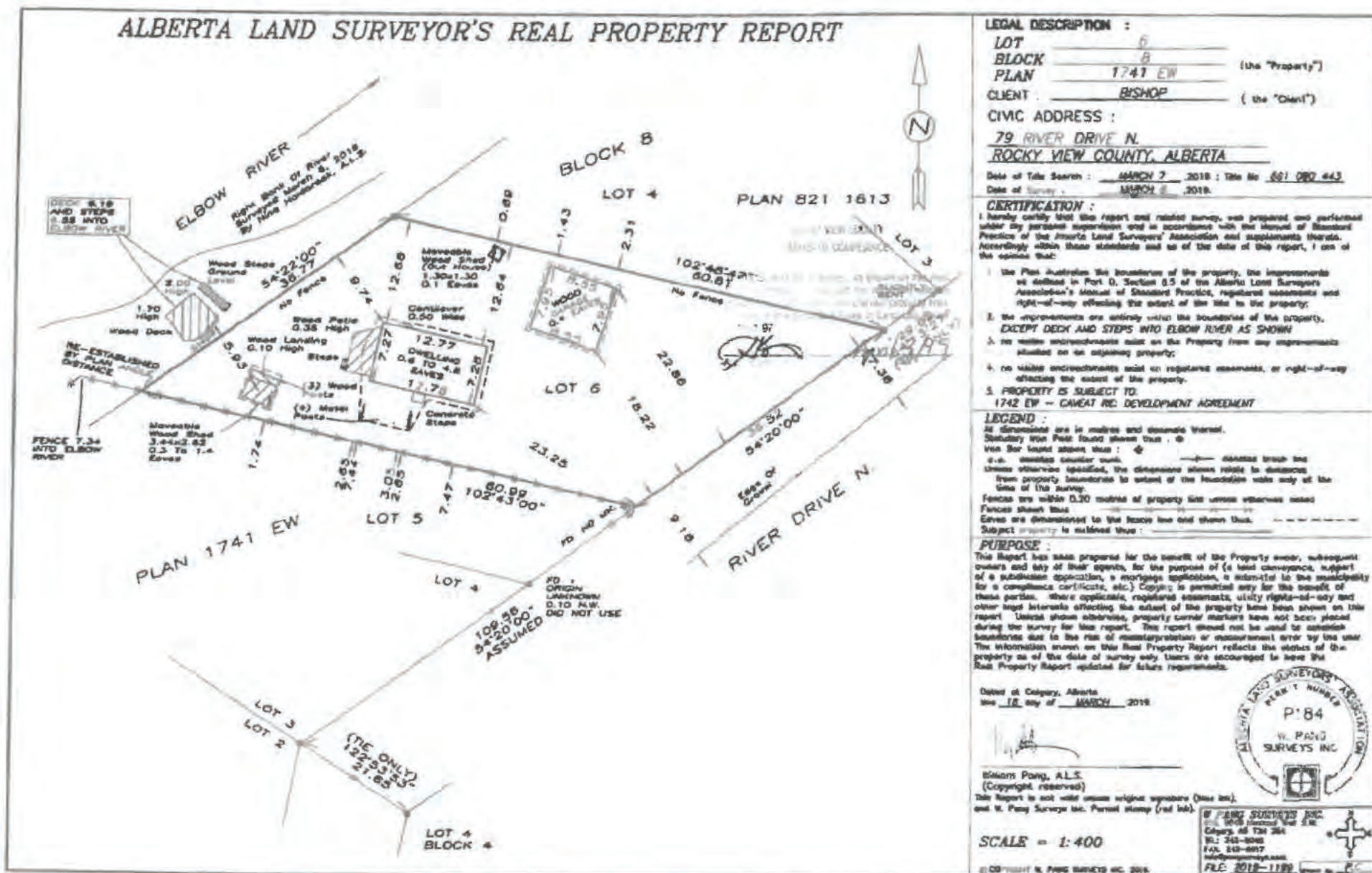
Opposition



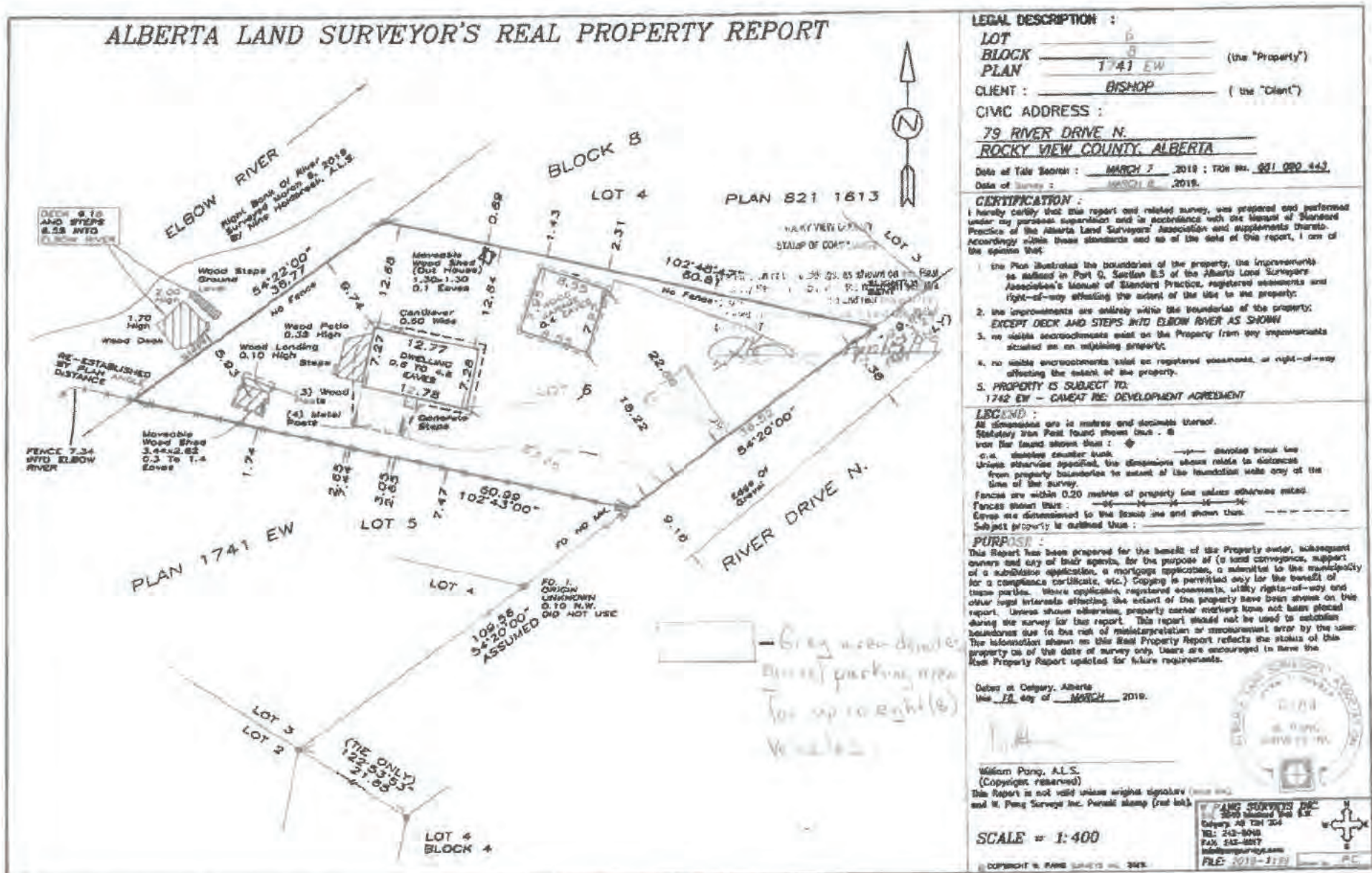
Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

Division: 1  
Roll: 03913093  
File: PRDP20202490  
Printed: October 14, 2020  
Legal: Lot 6, Plan 1741 EW,  
Block 8, within  
SE-13-23-05-W05M









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

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

## Decision of the Municipal Planning Commission

This is not a development permit

Teresa N & Matthew R Weir

**Development file #:** PRDP20202490

**Issue Date:** October 30, 2020

**Roll #:** 03913093

Rocky View County's Municipal Planning Commission conditionally approves your August 25, 2020 development permit application for the operation of a vacation rental within an existing dwelling, single detached at 79 River Drive North subject to the conditions as follows:

### Description:

1. That the *Vacation Rental* (Airbnb) may operate on the subject property, within the existing dwelling, single detached, in accordance with the approved site plan, floor plans and the conditions of this permit.

### Permanent:

2. That no off-site advertisement signage associated with the Vacation Rental shall be permitted.
3. That there shall be no non-resident employees at any time, with the exception of cleaning companies (if required).
4. That the *Vacation Rental* shall be limited to the dwelling, single detached.
5. That the Owner shall be responsible for ensuring that any renters are familiar with the property boundaries, whether that be by means of a fence, signage, or other means, to ensure no trespassing to adjacent properties.
6. That all customer parking shall be on the Owner's property at all times.
7. That the operation of the vacation rental shall not change the residential character and external appearance of the land and dwellings.
8. That the operation of this *Vacation Rental* shall not generate noise, smoke, dust, fumes, glare, or refuse matter considered offensive or excessive by the Development Authority and at all times the privacy of adjacent residential dwellings shall be preserved. The *Vacation Rental* shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
9. That the operation of the *Vacation Rental* shall be subordinate and incidental to the principal use of the dwelling unit as an owner-occupied residence.



10. That any minimal exterior modification of the structure or grounds may be considered by the County upon request, to ensure that no additional permits are required and that it is not changing the residential character of the property.

**Advisory:**

11. That a Building permit and applicable subtrade permits shall be obtained through Building Services, if required, prior to commencement of the *Vacation Rental*.
12. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
13. That this Development Permit shall be valid until **November 25, 2023**, at which time a new application shall be submitted. *Note, that the County will take into consideration any enforcement action of this Vacation Rental prior to considering subsequent applications.*

It is the responsibility of the applicant to meet and always follow the conditions of this development permit. Fines or enforcement action may occur if operating outside of this permit. Please contact Planning and Development Services at [development@rockyview.ca](mailto:development@rockyview.ca) or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact the Municipal Clerk's Office at [sdab@rockyview.ca](mailto:sdab@rockyview.ca) or 403-230-1401. More information on the SDAB can also be found at [www.rockyview.ca](http://www.rockyview.ca).



Jerry Gautreau, Chair  
Municipal Planning Commission

*This is not a development permit*



**ROCKY VIEW COUNTY**  
Cultivating Communities

## Notice of Appeal

Subdivision and Development Appeal Board  
Enforcement Appeal Committee

Appellant Information		
Name of Appellant(s) <i>Michele &amp; Joe Longo</i>		
[Redacted Address]		
Site Information		
Municipal Address <i>79 River Drive N</i>	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) <i>Lot 6 Block 8 Plan 1741</i>	
Property Roll # <i>03913093</i>	Development Permit, Subdivision Application, or Enforcement Order # <i>PRDP20202490</i>	
Appealing Decision(s)		
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order
Reasons for Appeal (attach supporting documents if required)		
<i>Attached.</i>		



This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-290-1401.

*[Signature]*  
Appellant's Signature

*Nov 20/20*  
Date



**Subject:** FW: Re[3]: [EXTERNAL] - Vacation rental regulation  
**From:** [HMclnnes@rockyview.ca](mailto:HMclnnes@rockyview.ca)  
**Sent:** 2020-09-18 11:13:50 AM  
**To:** [REDACTED]  
**CC:** [TCochran@rockyview.ca](mailto:TCochran@rockyview.ca); [GNijjar@rockyview.ca](mailto:GNijjar@rockyview.ca)

Good Morning Michele,

Our Executive Director discussed your situation with me, as you and I had a similar conversation a few weeks back.

Rocky View County understands the situation you are currently under, and whereas we cannot control an application or the decision once it has been submitted, we can offer to waive the appeal fees. As this is a new use under our Land Use Bylaw, our Executive Director, Theresa Cochran has agreed to this waiver, to allow you the opportunity to file an appeal if you feel the conditions set do not address the concerns you currently have with the operation.

I hope that helps to alleviate at least one of the concerns you have. Unfortunately, our office has no further control on the outcome of an application at this point, it will need to run through the process as identified by the Municipal Government Act.

Please let us know if we can be of further assistance to you. As I mentioned in our conversation, please feel free to reach out to me if you have any questions or require help regarding what can be a complicated process. I'll be happy to assist you.

Best Regards,

HEATHER MCINNES

Acting Supervisor Development Compliance and Development | Planning and Development Services

ROCKY VIEW COUNTY

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

Phone: 403-520-8153

[hmcinnes@rockyview.ca](mailto:hmcinnes@rockyview.ca) | [www.rockyview.ca](http://www.rockyview.ca)  
[developmentcompliance@rockyview.ca](mailto:developmentcompliance@rockyview.ca)

This e-mail, including any attachments, may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution or copying of this information is prohibited and unlawful. If you received this communication in error, please reply immediately to let me know and then delete this e-mail. Thank you.



We are appealing the conditions of this development as the conditions described in the Decision of the MPC which could help us are either inapplicable to our situation or unenforceable and there doesn't currently exist any bylaws or conditions for this new land use that address its unique issues.

We require enforceable conditions because this development which began operating August 2019 has affected the use and enjoyment of our property. These have been the main issues:

- Parties daytime and late night which affect my ability to work from home, enjoy our backyard in peace, and sleep at night. The owner of this full-time vacation rental chose to market to groups, it's rented an estimated 90% of the time and the owner lives in Calgary. The RCMP hasn't responded when we've called either for parties or trespassing as this is a low priority call. Bylaw Enforcement told us they don't respond while a party is happening due to the danger of coming to a party where unknown people may be drunk/high and have weapons. So we or another neighbour have had to go and confront these groups usually late at night and it is incredibly stressful.
- Wood smoke, heavier than what we typically see here, almost every day there are guests in the rental. We can handle some smoke but not at this volume all year, this heavy, and inside our house. This has meant keeping our windows closed in the summer, has restricted when we can use our backyard and has changed when and how we can use our furnace and make-up air to limit the smoke from coming in our air intake as we've yet to find an air filter that can block smoke without damaging our furnace.
- One-off issues that if there was an on-site owner or manager we wouldn't be experiencing. This includes: disruptive late night arrivals, dangerous outdoor fires (in dry windy conditions the day before a ban comes on or during a fire ban) burning a noxious substance, extra people camping in the driveway which is right beside our bedroom window, outdoor lights left on all night which shine directly in our living room window. We're less concerned about these as they're infrequent but they add to the stress of having no consistency of what we're living next door to.

Our most significant issue used to be repeated trespassing which caused me to feel unsafe and without privacy at home. We had several instances of individuals and groups directly behind our house which is mostly windows facing to the river. We let the owner know but he didn't take any action. We eventually put up a privacy fence and asked the owner to pay half the cost of materials which he did. We haven't noticed any trespassing since.

We felt that our best hope of getting the owner to address our issues was to journal everything over many months and present it in an objectively worded document because altogether it would have more impact. We gave them the journal June 28 and told them they would be needing to get a development permit which they didn't know. We offered to meet with them if they wanted to discuss. They never followed up with us to apologize or let us know if anything would change.

Parties and noise did decrease after that but we assumed it was because it was now July, the minimum stay was longer and nightly rate was likely higher so there were better guests. We also thought the threat of needing a permit was somehow keeping things in check and we suspected noise monitors had been installed. We were worried that once the permit was approved the loud parties would return. Notice of the approved permit came out in early November. The following Friday we had to call the RCMP on a loud late-night party. They didn't come but the party ended at 11:30.

Because we've had no communication or assurances from the owner, no relationship where trust has been developed, and the severity of the loss of our enjoyment and use is so significant, we require enforceable conditions for this development to operate. We can't take the risk of being trapped in this situation with nothing to protect us for the three year period the permit covers. Here are the details of our two main issues we're hoping conditions can mitigate.

### **Parties/Noise**

This rental is occupied primarily by Airbnb groups an estimated 90% of the time. In high season, it's about two empty nights per month and now in low season it seems to be empty about two nights per week. The vast majority of guests are not away in the day; they are at the rental and in the backyard if weather allows. Noise, and the music they used to bring, gets amplified if they're near the river and carries far. I work from home and would like to be able to have the windows open on a nice day or perhaps work outside. We also like to sleep with the windows open for the fresh air and sound of the river but between the parties and smoke we have to keep our windows closed most the time.

Sometimes more people come out for the party but don't stay overnight. There is no bylaw against daytime parties so we typically wait until 10:00 and then try to decide if it's likely to end soon, if we can put up with it or we need to go deal with it. We have had weeks where it was a loud party most days and nights.

We did know from RVC that if we called in every instance of an issue to Bylaw Enforcement or the RCMP their permit would likely get denied but we desperately just needed the parties to stop and hoped there would be other solutions. Also, it wasn't always possible to determine if the party was next door because of how sound travels in the river valley. This meant getting out of bed to walk up the street to confirm it was the Airbnb. We then had a choice to call Bylaw Enforcement who we knew wouldn't come or, seeing as we were now up, going over ourselves to try to shut it down.

### **Wood Smoke**

The wood smoke is almost every day and night that the rental is occupied, summer and winter, and seems to be about 5-10 hours per day. Whether indoor or outdoor, these are not clean burning fires. We told the owner we thought there was an issue with his firewood and perhaps guests didn't know how to make a proper fire indoors. Poor firewood means heavier stronger-smelling smoke that doesn't rise and instead stays low and lingers. Outdoor fires can leave our backyard in a haze and often the haze extends to the river valley which can ruin a nice clear sunny day and our freedom to be outside unless the wind is in our favour. It is exhausting to have so little access to fresh air at home and I get a sore throat from the smoke if I'm in it too long.

We think the smoke might not be as heavy since we spoke to the owner on June 28 as the river valley hasn't been full of smoke since but we still get haze in our yard quite often.

The novelty of a wood fire wears off when you're a resident but tourists seem to want it for the duration of their stay and with high occupancy at the rental this goes far beyond what we'd be dealing with if a typical resident lived there. Also, my experience is that residents who like frequent fires invest in quality fireplaces, chimneys and firewood because they're the ones having to breathe and see their own smoke.

We're currently experimenting with different kinds of furnace filters and it seems the ones dense enough to block smoke (the finest particles to block) can restrict airflow to the point where you can damage the furnace and we've been told not to use those by our furnace supplier.

### **These are the relevant conditions in the MPC Decision but they aren't enforceable.**

Condition #9 (the Vacation Rental shall be subordinate and incidental to the principal use of the dwelling as an owner-occupied residence) isn't applicable as this is a full-time vacation rental.

Condition #8 addresses noise, smoke, fumes and glare however I was told by RVC Bylaw Enforcement this would be too subjective to be enforceable.





## PLANNING AND DEVELOPMENT SERVICES

**TO:** Subdivision and Development Appeal Board

**DATE:** December 16, 2020

**DIVISION:** 1

**FILE:** 03909050

**APPLICATION:** PRDP20202423

**SUBJECT:** Accessory Building with Variances

<b>PROPOSAL:</b> Accessory Building with variances	<b>GENERAL LOCATION:</b> located on the east side of Range Road 54, approximately 0.41 km (1/4 mile) south of Township Road 232.
<b>APPLICATION DATE:</b> August 19, 2020	<b>MUNICIPAL PLANNING COMMISSION DECISION:</b> Approved
<b>APPEAL DATE:</b> December 3, 2020	<b>MUNICIPAL PLANNING COMMISSION DECISION DATE:</b> October 29, 2020
<b>APPELLANTS:</b> Clint Docker, Julie Docker, Jorgen Scheel and Monica Scheel	<b>APPLICANT:</b> Chris Johnson
<b>LEGAL DESCRIPTION:</b> Lot 5, Plan 9212650; NW-09-23-05-W05M	<b>MUNICIPAL ADDRESS:</b> 231178 Range Road 54
<b>LAND USE DESIGNATION:</b> R-RUR	<b>GROSS AREA:</b> ± 1.59 hectares (± 3.94 acres)
<b>PERMITTED USE:</b> Discretionary Use	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> Section 69: The Development Authority, in making a decision on a Development Permit application for: (c) a Discretionary Use: ii. May approve the application, with or without conditions, if the proposed development does not conform with the Bylaw, subject to the approval of any variances
<b>PUBLIC SUBMISSIONS:</b>	<b>LAND USE POLICIES AND STATUTORY PLANS:</b> <ul style="list-style-type: none"> <li>• County Plan</li> <li>• Land Use Bylaw</li> <li>• Greater Bragg Creek Area Structure Plan</li> </ul>

### EXECUTIVE SUMMARY:

This proposal is for the construction of an accessory building with variances. The subject parcel is zoned R-RUR, is surrounded by country residential and agricultural parcels, and is located on the east side of Range Road 54, approximately 0.41 km (1/4 mile) south of Township Road 232. The parcel contains a dwelling, several accessory buildings of various sizes and is heavily forested. This application was made on August 19, 2020 and was presented to the Municipal Planning Commission



# ROCKY VIEW COUNTY

on October 29, 2020. The Notice of Decision was circulated to 33 adjacent landowners and Administration received the notice of Appeal on November 19, 2020 from appellants Clint Docken, Julie Docken, Jorgen Scheel and Monica Scheel. The reasons for their appeal are identified in the agenda package.

## APPLICATION/ PARCEL HISTORY:

Date	Event	Result
August 19, 2020	Application Submitted	Development Permit application submitted in-person.
September 10, 2020	Inspection	<p>Inspector's Comments</p> <ul style="list-style-type: none"> <li>• Site is very well screened</li> <li>• Grading appears to have started in preparation for building</li> <li>• Site is marked (with string) for building location</li> <li>• Fairly neat and tidy</li> <li>• No concerns at time of inspection</li> </ul> <p>Site photos were taken at time of inspection</p>
October 29, 2020	Municipal Planning Commission Hearing	Application approved with amended conditions (approved area increased slightly due to error in original measurement calculations).
October 30, 2020	Notice of Decision generated	Notice of Decision mailed to adjacent landowners.
November 19, 2020	Appeal application filed	SDAB hearing scheduled for December 3, 2020.

## APPEAL:

See attached report and exhibits.

Respectfully submitted,

Sean MacLean  
Supervisor, Planning and Development Services

EN/ltt





**ATTACHMENTS:**

ATTACHMENT 'A': Municipal Planning Commission Report

ATTACHMENT 'B': Application Details

ATTACHMENT 'C': Inspection Report and Site Photos

ATTACHMENT 'D': Site Plan

ATTACHMENT 'E': Map Set

ATTACHMENT 'F': Notice of Decision

ATTACHMENT 'G': Notice of Appeal



ROCKY VIEW COUNTY

**DEVELOPMENT PERMIT REPORT**

<b>Application Date:</b> August 19, 2020	<b>File:</b> 03909050
<b>Application:</b> PRDP20202423	<b>Applicant/Owner:</b> Johnson, Chris
<b>Legal Description:</b> Lot 5; Plan 9212650 NW-09-23-05-W05M	<b>General Location:</b> Located approximately 0.41 km (1/4 mile) south of Twp. Rd. 232 and on the east side of Rge. Rd. 54
<b>Land Use Designation:</b> Residential, Rural District (R-RUR), under Land Use Bylaw C-8000-2000.	<b>Gross Area:</b> ± 1.59 hectares (± 3.94 acres)
<b>File Manager:</b> Natalie Robertson / Evan Neilsen	<b>Division:</b> 1

**PROPOSAL:**

The proposal is for the construction of an accessory building (oversize shop), with a relaxation of the maximum height and a relaxation of the maximum accessory building parcel coverage. *Note, the application was assessed in accordance with Land Use Bylaw C-8000-2020, as requested by the Applicant.*

The proposed shop is a pole building, approximately 222.96 sq. m (2,400.00 sq. ft.) in footprint. The shop will include a metal roof and side walls, including a front wall of half log siding. The shop will be dark green in metal cladding and the log siding will be stained to match the existing dwelling, single detached. The building will be utilized for personal storage of equipment, tools, belongings and as a workshop.

The other accessory buildings on the property include:

- Accessory Building (detached garage) 62.43 m<sup>2</sup> (672.00 ft<sup>2</sup>)
- Accessory Building (garden shed) 8.91 m<sup>2</sup> (96.00 ft<sup>2</sup>)
- Accessory Building (sprung tent) 28.98 m<sup>2</sup> (312.00 ft<sup>2</sup>)

With the shop proposal, there will be single-lot regrading (appears up to 1.06 m [3.50 ft.] in cutting) and placement of clean fill (appears up to 0.05 m [0.16 ft.]). However, supporting technical and final confirmation will be required upon approval.

**LAND USE BYLAW:**

*Residential, Rural District (R-RUR)*

Requirements (Proposed Shop)				
<b>Line</b>	<b>Regulation</b>	<b>Required (m)</b>	<b>Proposed (m)</b>	<b>Variance</b>
318	Uses, Discretionary	Accessory buildings >190 m <sup>2</sup> (2045.14 ft <sup>2</sup> )	222.96 m <sup>2</sup> (2400.00 ft <sup>2</sup> )	17.34%

**Administration Resources**

Natalie Robertson / Evan Neilsen, Planning and Development Services





321 (a)	Maximum Height Accessory Buildings	7.00 m (22.97 ft.)	7.86 m. (25.80 ft.)	12.28%
322 (b)	Maximum Accessory Building Parcel Coverage	285 m <sup>2</sup> (3067.71 ft <sup>2</sup> ).	324.69 m <sup>2</sup> (3495.04 ft <sup>2</sup> )	13.92%
323	Yard, Front – County	45.00 m (147.64 ft.)	lots	0%
323	Yard, Side – all others	3.00 m (9.84 ft.)	12.19 m (40.00 ft.)	0%
323	Yard, Rear – all others on parcels over 4.0 hectares (9.88 acres)	30.00 m (98.43 ft.)	66.14 m (217.00 ft.)	0%

Permit History

<b>Permit Number</b>	<b>Permit Type</b>	<b>Status</b>
1992-BP-3111	Building – Dwelling Addition	Occupancy Granted
PRDP20144316	Development - Accessory Dwelling Unit	Complete
PRBD20145159	Building – Accessory Dwelling Unit	Occupancy Granted

**STATUTORY PLANS:**

The subject property is located within the Greater Bragg Creek Area Structure Plan. The application was also evaluated in accordance with the Land Use Bylaw C-8000-2020

**INSPECTOR'S COMMENTS (September 10, 2020):**

- Site is very well screened
- Grading appears to have started in preparation for building
- Site is marked (with string) for building location
- Fairly neat and tidy
- No concerns at time of inspection

**CIRCULATIONS:**Transportation Services

Applicant to contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.



### Building Services Review

- Applicant is required to submit a Building permit application prior to the structure being constructed.
- Applicant is required to acquire permits for all electrical, plumbing and gas work for the accessory building.

### Development Compliance Officer Review

- No concerns

### Planning and Development Services - Engineering Review

#### **General**

- The review of this file is based upon the application submitted. Should the submission material be altered or revised at subsequent development stages these conditions/recommendations may be subject to change to ensure best practices and procedure.

#### **Geotechnical:**

- As part of the application, the applicant/owner is also proposing to alter and conduct slope mitigation measures on existing slopes that are steeper than 15% and 30%.
  - Prior to issuance, the applicant/owner is required to provide a grading site plan that shows the extent of the proposed grading work. The grading plan should provide pre-development and post-development contours.
  - Prior to issuance, the applicant/owner will be required to submit a slope stability analysis conducted and stamped by a professional engineer that assess the stability of the slope and provides recommendations for the proposed construction over the slope. The applicant/owner will be required to implement the recommendations from the analysis.
  - Prior to issuance, the applicant/owner will be required to provide a deep fills report that provide placement recommendations for areas of fill greater than 1.2 m in depth.
  - As a permanent condition, the applicant/owner is required to provide compaction testing results verifying that areas greater than 1.2m in depth were placed in accordance with the deep fills report accepted by the County.

#### **Transportation:**

- Engineering has no requirements at this time.
- There is an existing road approach off of Range Road 54 providing access to the subject land.
- The applicant/owner will not be required to pay the transportation offsite levy, as per the applicable TOL bylaw at time of DP issuance, as the development is directly associated with the construction of a dwelling.

#### **Sanitary/Waste Water:**

- Engineering has no requirements at this time.

#### **Water Supply And Waterworks:**

- Engineering has no requirements at this time.

#### **Storm Water Management:**

- It appears that the resulting imperviousness ratio over the subject land is greater than 20%.





- Prior to issuance, the applicant/owner will be required to provide a memo and/or stormwater drainage drawing conducted and stamped by a professional engineer that demonstrates that post-development drainage does not exceed pre-development drainage conditions in accordance with the County Servicing Standards.
- As a permanent condition, the applicant/owner will be required to implement the recommendations of the memo and/or stormwater drawing accepted by the County.

#### Environmental:

- Prior to issuance, the applicant/owner will be required to submit an erosion and sediment control plan to outline ESC measures (i.e. silt fence, stabilization, seeding of topsoil, etc.) to be implemented during the grading work and in perpetuity.
- As an advisory condition, the applicant/owner will be required to obtain all applicable AEP approvals should the development directly impact any wetlands.

#### OPTIONS:

Option #1 (this would allow the development to commence)

APPROVAL, subject to the following conditions:

#### Description:

1. That construction of an accessory building (oversize shop), **approximately 222.96 m<sup>2</sup> (2,400.00 ft<sup>2</sup>) in area**, may be constructed on the subject land in general accordance with the approved Site Plan, supporting Plot Plan drawings and submitted application, as amended.
  - i. That the maximum height requirement for the building is relaxed from **7.00 m. (22.97 ft.)** to **7.86 m. (25.80 ft.)**;
  - ii. That the maximum accessory building parcel coverage is relaxed from **285.00 m<sup>2</sup> (3,067.71 ft<sup>2</sup>)** to **324.69 m<sup>2</sup> (3,495.04 ft<sup>2</sup>)**; and
  - iii. Single-lot regrading and placement of clean fill in accordance with the final grading site plan.

#### Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall submit a grading site plan that shows the extent of the proposed grading work, in accordance with County Servicing Standards. The grading plan shall provide pre-development and post-development contours.
3. That prior to issuance of this permit, the Applicant/Owner shall submit a slope stability analysis, conducted and stamped by a professional engineer, that assess the stability of the slope and provides recommendations for the proposed construction over the slope, to the satisfaction of the County.
4. That prior to issuance of this permit, the Applicant/Owner shall submit a memo and/or stormwater drainage drawing, conducted and stamped by a professional engineer, that demonstrates that post-development drainage does not exceed pre-development drainage conditions in accordance with County Servicing Standards.
5. That prior to issuance of this permit, the Applicant/Owner shall submit an erosion and sediment control plan, to outline ESC measures (i.e. silt fence, stabilization, seeding of topsoil, etc.) to be implemented during the grading work and in perpetuity, in accordance with County Servicing Standards.



## ROCKY VIEW COUNTY

6. That prior to issuance of this permit, the Applicant/Owner shall submit a deep fills report, that provides placement recommendations for areas of fill greater than 1.20 m (3.93 ft.) in depth, to the satisfaction of the County.
7. That prior to issuance of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions
  - i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.

**Permanent:**

8. That the exterior siding and roofing materials of the accessory building shall be similar/cohesive to the existing dwelling, single detached.
9. That the accessory building shall not be used for residential occupancy or commercial purposes at any time unless approved by the separate Development Permit.
10. That the existing trees and terrain shall be retained onsite except as required to meet the development proposal and conditions of this permit. Any disturbed areas shall be replanted with vegetation similar to existing predevelopment ground cover upon development completion.
11. That during construction, dust control shall be maintained on the site and that the Applicant/Owner shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
12. That any dirt removed from the site during construction shall be hauled off in a covered trailer/truck that will prevent dust/small rocks from blowing onto the road, or from causing issues with other vehicles on the road.
13. That the entire site shall be maintained in a neat and orderly manner at all times and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.
14. That all on-site lighting shall be "dark sky" and all private lighting, including site security lighting and parking area lighting, shall be designed to conserve energy, reduce glare, and reduce uplight. All development shall be required to demonstrate lighting design that reduces the extent of spill-over glare and eliminates glare as viewed from nearby residential properties.
15. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a prior to issuance or occupancy condition, shall be implemented and adhered to in perpetuity including any recommendations of the stormwater memo and/or deep fills report.

**Advisory:**

16. That during construction, all construction and building materials shall be maintained on-site in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
17. That a Building Permit and applicable sub-trade permits shall be obtained through Building Services, prior to any construction taking place.





18. That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the date of issue, the permit is deemed to be null unless an extension to this permit shall first have been granted by the Development Authority.
19. That if this Development Permit is not issued by **May 31, 2021**, then this approval is null and void and the Development Permit shall not be issued.
20. That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.

***Note: The Applicant/Owner shall be responsible for all Alberta Environment approvals/compensation if any wetland is impacted by the proposed development.***

Option #2 (this would not allow the development)

REFUSAL, for the following reasons:

1. That the requested height relaxation exceeds the maximum allowable requirements of Section 321(a) of the Land Use Bylaw C-8000-2020.
2. That the requested accessory building parcel coverage relaxation exceeds the maximum allowable requirements of Section 322(b) of the Land Use Bylaw C-8000-2020
3. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.



ROCKY VIEW COUNTY  
Cultivating Communities

2020242J

# APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$265.00	File Number DS902050
Date of Receipt Aug 19, 2020	Receipt # 2020025125

Name of Applicant Christopher JohnsonEmail [REDACTED]

For Agents please supply Business Agency/ Organization Name \_\_\_\_\_

Registered Owner (if not applicant) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Postal Code \_\_\_\_\_

Telephone (B) \_\_\_\_\_

(H) \_\_\_\_\_

Fax \_\_\_\_\_

## 1. LEGAL DESCRIPTION OF LAND

- a) All / part of the NW  $\frac{1}{4}$  Section 9 Township 23 Range 5 West of 5TH Meridian
- b) Being all / parts of Lot 5 Block \_\_\_\_\_ Registered Plan Number 9212650
- c) Municipal Address 231178 RANGE ROAD 54
- d) Existing Land Use Designation R2 Parcel Size 3.94 ACRES Division 01

## 2. APPLICATION FOR

ACCESSORY BUILDING

## 3. ADDITIONAL INFORMATION

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes \_\_\_\_\_ No X
- b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes \_\_\_\_\_ No X  
(Sour Gas facility means well, pipeline or plant)
- c) Is there an abandoned oil or gas well or pipeline on the property? Yes \_\_\_\_\_ No X
- d) Does the site have direct access to a developed Municipal Road? Yes X No \_\_\_\_\_

## 4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I CHRISTOPHER JOHNSON hereby certify that X I am the registered owner  
(Full Name in Block Capitals)

\_\_\_\_\_ I am authorized to act on the owner's behalf

and that the information given on this form  
is full and complete and is, to the best of my knowledge, a true statement  
of the facts relating to this application.

Affix Corporate Seal  
here if owner is listed  
as a named or  
numbered company

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

Owner's Signature Chris JohnsonDate 18-AUG-2020



**5. RIGHT OF ENTRY**

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.



Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.

I, CHRISTOPHER JOHNSON, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.



Signature

18-AUG-2020

Date





ROCKY VIEW COUNTY  
Cultivating Communities

## APPLICATION FOR AN ACCESSORY BUILDING

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date Received	Receipt #

Name of Applicant Christopher Johnson

Email [REDACTED]

### 1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum	1614.59 sq ft	2400 sq ft
Accessory building height	<del>18.04 ft</del> <sup>22.90</sup> <sub>-EN</sub>	25.8 ft
Number of existing accessory buildings on site	3	
Total size of all accessory buildings	2421.88 sq ft	3480 sq ft

#### Description of Accessory Buildings:

- a) Building materials Wood Pole Building with metal roof and side walls. Front wall 1/2 log siding
- b) Exterior colour Dark Green Metal Cladding, 1/2 Log Siding stained to match existing log house
- c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)  
Storage requirments for equipment and work shop and tools, tidy property, height for mezzanine and car lift
- d) Date when building permits were issued for existing buildings Garage Early 2000's, Garden Shed not Required based on area
- e) If no permits were issued - list age of buildings Sprung Tent ~3 years old

### 2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

Genneral and Equipment Storage, Vehicle and RV storage,

Recreational mechanic shop and car lift

### 3. ADDITIONAL REQUIREMENTS

The following items must be provided in addition to your application:

- ☐ Elevation drawing(s) / floor plan(s)
- ☐ Site plan(s) showing all dimensions and setbacks

Signature of Applicant

Date: 18-AUG-2020





# ROCKY VIEW COUNTY

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

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

Natalie  
Sept 21  
SW

## Inspection Request

Roll #: 03909050 DP #: PRDP20202423

Applicant/Owner: Johnson, Christopher Walter  
Legal Description: Lot 5 Block Plan 9212650, NW-09-23-05-05  
Municipal Address: 231178 RGE RD 54, Rocky View County AB  
Land Use: R-RUR  
Reason for Inspection: constuction of a 2400 sq. ft. accessory building (shed), relaxation of the maximum allowed accessory building height and maximum allowable total building area from 3067.71 sq ft. to 3480 sq.ft.

### Inspection Report

Caveat on title regarding hiding the visibility of any building from neighbour to the east  
Grading is part of this permit, please make sure it hasn't started (see attaced site plan)

Date of Inspection: Sept. 10/20

Permission granted for entrance? yes

#### Observations:

- site is very well screened.
- grading appears to have started, in preparation for building. Site is marked (with string) for building location. (see photos)
- fairly neat & tidy location.
- no concerns at time of inspection.

Signature: W. Van der ...





































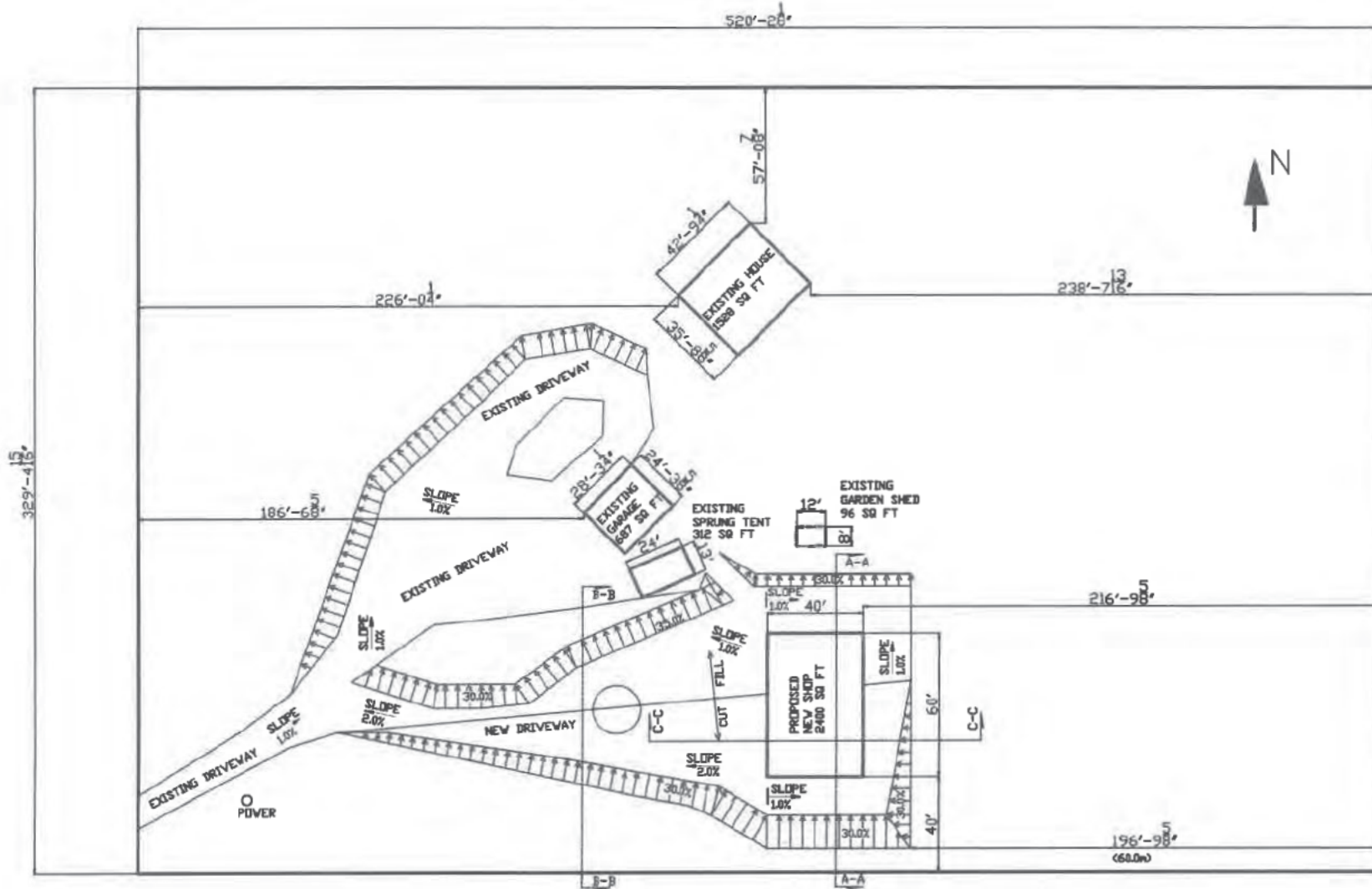








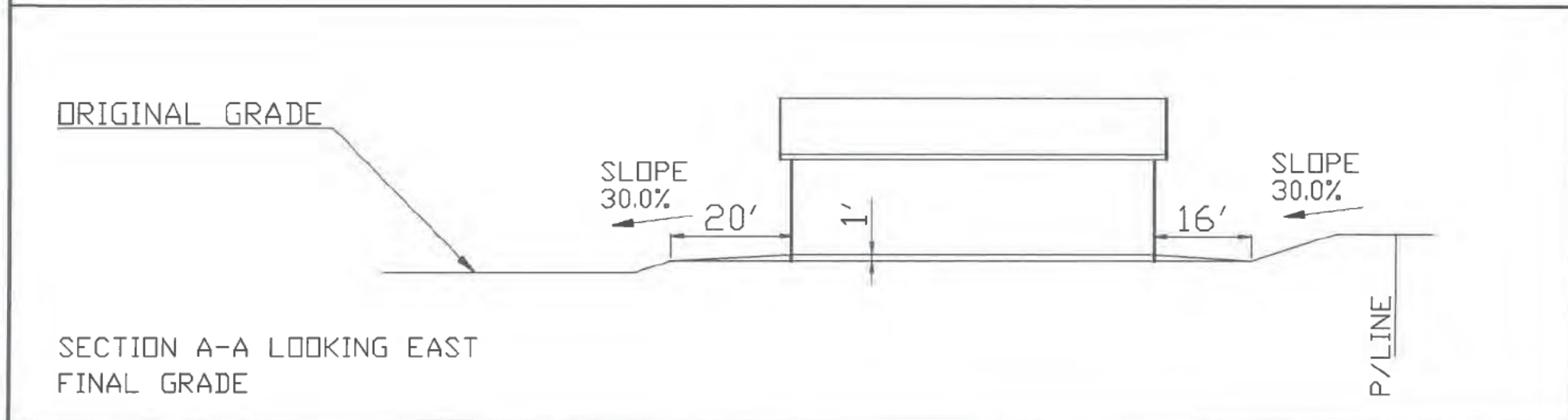
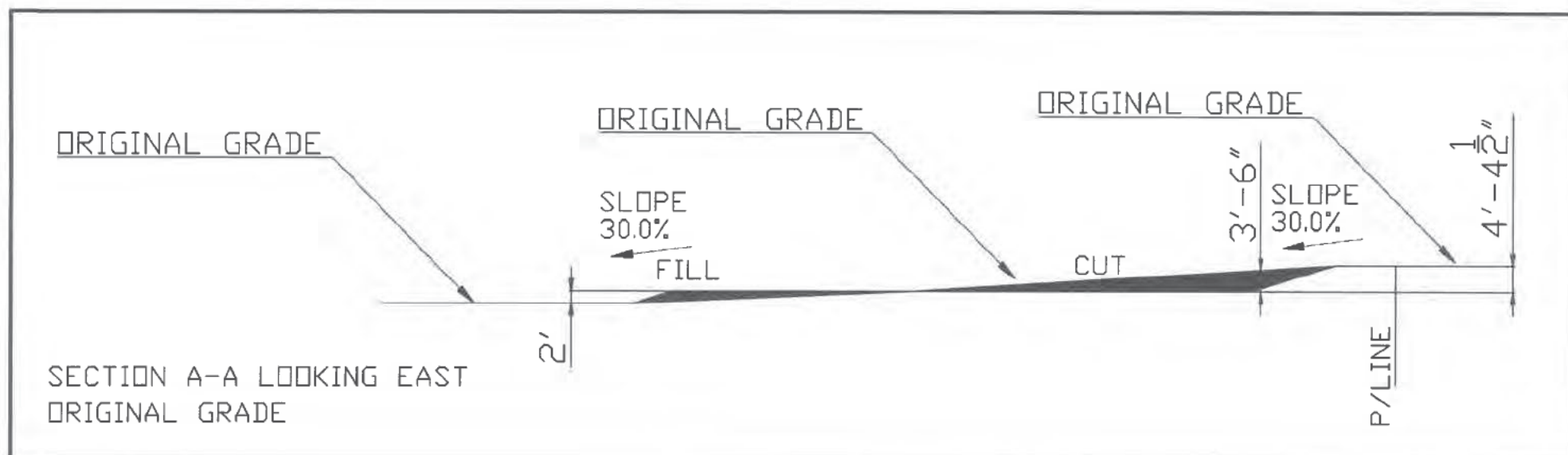




LOT 5 PLAN 9212650  
 231178 RANGE ROAD 54  
 NW 1/4 SECTION 9 TOWNSHIP 23 RANGE 5 WEST OF 5TH MERIDIAN

PLOT PLAN-1





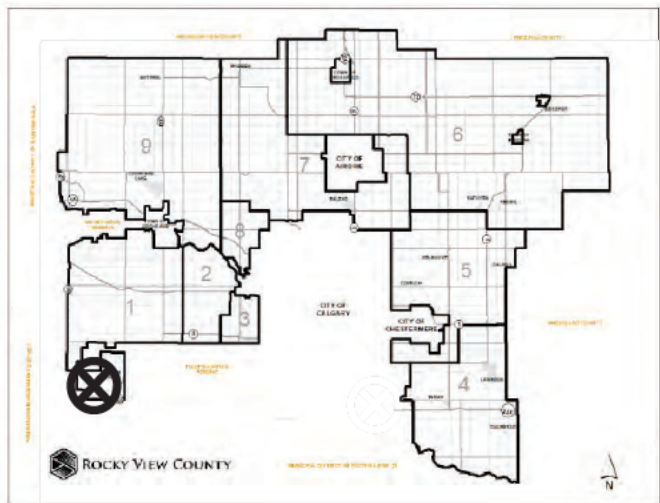
LOT 5 PLAN 9212650  
231178 RANGE ROAD 54  
NW 1/4 SECTION 9 TOWNSHIP 23 RANGE 5 WEST OF 5TH MERIDIAN

PLOT PLAN-2  
SECTIONS A-A

ATTACHMENT 'D': SITE PLAN



ATTACHMENT 'E': MAP SET



## Location & Context

Construction of an accessory building (oversize shop), relaxation of the maximum building height and relaxation of the maximum accessory building parcel coverage

Division: 1  
Roll: 03909050  
File: PRDP20202423  
Printed: October 14, 2020  
Legal: NW-09-23-05-W05M  
Lot: 5 Plan: 9212650



## ATTACHMENT 'E': MAP SET



**Landowner  
Circulation  
Area**

Construction of an accessory building (oversize shop), relaxation of the maximum building height and relaxation of the maximum accessory building parcel coverage

### Legend

### Support



### Opposition



Division: 1  
Roll: 03909050  
File: PRDP20202423  
Printed: October 14, 2020  
Legal: NW-09-23-05-W05M  
Lot: 5 Plan: 9212650

*Note: First two digits of the Plan Number indicate the year of subdivision registration.*

*Plan numbers that include letters were registered before 1973 and do not reference a year.*





# ROCKY VIEW COUNTY

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

403-230-1401  
questions@rockyview.ca  
www.rockyview.ca

## Decision of the Municipal Planning Commission

This is not a development permit

**Development file #:** PRDP20202423

**Issue Date:** October 30, 2020

**Roll #:** 03909050

Rocky View County's Municipal Planning Commission conditionally approves your August 19, 2020 development permit application for the construction of an accessory building (oversize shop), with a relaxation of the maximum height and a relaxation of the maximum accessory building parcel coverage at Lot 5; Plan 9212650 NW-09-23-05-W05M subject to the conditions as follows:

### Description:

1. That construction of an accessory building (oversize shop), **approximately 222.96 m<sup>2</sup> (2,400.00 ft<sup>2</sup>) in area**, may be constructed on the subject land in general accordance with the approved Site Plan, supporting Plot Plan drawings and submitted application, as amended.
  - i. That the maximum height requirement for the building is relaxed from **7.00 m. (22.97 ft.)** to **7.86 m. (25.80 ft.)**;
  - ii. That the maximum accessory building parcel coverage is relaxed from **285.00 m<sup>2</sup> (3,067.71 ft<sup>2</sup>)** to **324.69 m<sup>2</sup> (3,495.04 ft<sup>2</sup>)**; and
  - iii. Single-lot regrading and placement of clean fill in accordance with the final grading site plan.

### Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall submit a grading site plan that shows the extent of the proposed grading work, in accordance with County Servicing Standards. The grading plan shall provide pre-development and post-development contours.
3. That prior to issuance of this permit, the Applicant/Owner shall submit a slope stability analysis, conducted and stamped by a professional engineer, that assess the stability of the slope and provides recommendations for the proposed construction over the slope, to the satisfaction of the County.

This is not a development permit



4. That prior to issuance of this permit, the Applicant/Owner shall submit a memo and/or stormwater drainage drawing, conducted and stamped by a professional engineer, that demonstrates that post-development drainage does not exceed pre-development drainage conditions in accordance with County Servicing Standards.
5. That prior to issuance of this permit, the Applicant/Owner shall submit an erosion and sediment control plan, to outline ESC measures (i.e. silt fence, stabilization, seeding of topsoil, etc.) to be implemented during the grading work and in perpetuity, in accordance with County Servicing Standards.
6. That prior to issuance of this permit, the Applicant/Owner shall submit a deep fills report, that provides placement recommendations for areas of fill greater than 1.20 m (3.93 ft.) in depth, to the satisfaction of the County.
7. That prior to issuance of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions
  - i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.

**Permanent:**

8. That the exterior siding and roofing materials of the accessory building shall be similar/cohesive to the existing dwelling, single detached.
9. That the accessory building shall not be used for residential occupancy or commercial purposes at any time unless approved by the separate Development Permit.
10. That the existing trees and terrain shall be retained onsite except as required to meet the development proposal and conditions of this permit. Any disturbed areas shall be replanted with vegetation similar to existing predevelopment ground cover upon development completion.
11. That during construction, dust control shall be maintained on the site and that the Applicant/Owner shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
12. That any dirt removed from the site during construction shall be hauled off in a covered trailer/truck that will prevent dust/small rocks from blowing onto the road, or from causing issues with other vehicles on the road.
13. That the entire site shall be maintained in a neat and orderly manner at all times and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.
14. That all on-site lighting shall be "dark sky" and all private lighting, including site security lighting and parking area lighting, shall be designed to conserve energy, reduce glare, and reduce uplight. All development shall be required to demonstrate lighting design that reduces the extent of spill-over glare and eliminates glare as viewed from nearby residential properties.

This is not a development permit



15. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a prior to issuance or occupancy condition, shall be implemented and adhered to in perpetuity including any recommendations of the stormwater memo and/or deep fills report.

**Advisory:**

16. That during construction, all construction and building materials shall be maintained on-site in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
17. That a Building Permit and applicable sub-trade permits shall be obtained through Building Services, prior to any construction taking place.
18. That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the date of issue, the permit is deemed to be null unless an extension to this permit shall first have been granted by the Development Authority.
19. That if this Development Permit is not issued by **May 31, 2021**, then this approval is null and void and the Development Permit shall not be issued.
20. That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.

It is the responsibility of the applicant to meet and always follow the conditions of this development permit. Fines or enforcement action may occur if operating outside of this permit. Please contact Planning and Development Services at [development@rockyview.ca](mailto:development@rockyview.ca) or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact the Municipal Clerk's Office at [sdab@rockyview.ca](mailto:sdab@rockyview.ca) or 403-230-1401. More information on the SDAB can also be found at [www.rockyview.ca](http://www.rockyview.ca).

Jerry Gautreau, Chair  
Municipal Planning Commission

This is not a development permit





ROCKY VIEW COUNTY  
Cultivating Communities

# Notice of Appeal

Subdivision and Development Appeal Board  
Enforcement Appeal Committee

## Appellant Information

Name of Appellant(s)

Clint Docker, Julie Docker, Jorgen Scheel, Monica Scheel

Mailing Address

Municipality

Province

Postal Code

## Site Information

Municipal Address

231178 Range Road 54

Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian)

Lot 5 P101 8212650 NW-7-23-05-05

Property Roll #

03909050

Development Permit, Subdivision Application, or Enforcement Order #

PRDP 20202423

## I am appealing: (check one box only)

### Development Authority Decision

- ☒ Approval  
☐ Conditions of Approval  
☐ Refusal

### Subdivision Authority Decision

- ☐ Approval  
☐ Conditions of Approval  
☐ Refusal

### Decision of Enforcement Services

- ☐ Stop Order  
☐ Compliance Order

## Reasons for Appeal (attach separate page if required)

see attached



This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

Appellant's Signature

Nov. 18 2020

Date



This is a small, rural, residential property. The shop proposed will be the largest building on the property.

There are already three accessory buildings on the property.

The shop proposed is both oversized and overheight.

There is no comparable shop in the neighbourhood and it is out of character with existing neighbourhood properties.

The use proposed (vehicle maintenance) with the potential use of hazardous materials, represents a fire risk in an area that is one of the most at risk in the province.

The property is located beside the only access to a large residential area, which creates a serious risk in the event of fire.

This project has been under construction for two years, with significant disruption to adjacent properties. The proposed construction schedule (yet another year) is unreasonable.