

Rocky View County Subdivision and Development Appeal Board  
262075 Rocky View Point  
Rocky View County, Alberta  
T4A 0X2

December 14, 2020

RE: OPPOSITION TO APPEAL OF 03913093 PRDP2020490 (Operation of Vacation Rental)

To the members of the Rocky View County Subdivision and Development Appeal Board:

I, Matthew Weir, and my wife Teresa (Nicole) Weir are the owners at 79 River Drive North in the hamlet of Bragg Creek, Alberta. We purchased the property in June 2019 with the intent of utilizing it as a recreational property for our family and to rent it out on a short-term basis to assist with covering its expenses. After taking possession of the property, we spent the summer cleaning and updating the interior and exterior so that it would suit our family and guests. We hosted our first short-term rental guests on August 16, 2019

The cabin is a 1000sq log home situated on .55 acres backing onto the Elbow River. The house has 2 bathrooms, 3 bedrooms and a total of 5 beds. The cabin is walking distance (~700 meters) to restaurants, pubs, cafes and shopping. We allow for a maximum of 6 guests (including children, infants are not counted towards the total). Our cabin is listed on both AirBnb and VRBO, and we clearly state in our rental rules that we have a 6 guest maximum with no tenting, camping or RV'ing permitted on site; no events/parties can be held on the property; and no loud or raucous activity during any hours of the day with strict quiet hours between 10:00pm and 7:00am.

Our neighbour has appealed our Development Permit Approval to operate a vacation rental within our home in Bragg Creek. In their appeal, the neighbour has stated that there have been loud noises (parties), trespassing, and excessive smoke from our indoor fireplace and outdoor fire pit. In an effort to resolve our neighbour's concerns we have done the following:

- Loud Noise:
  - o We have set the maximum number of guests to 6 (the average number of adults per stay has been 3.6 in 2020 – very small gatherings). We clearly state on our listings that there no events, parties, or loud noise permitted - especially between 10pm-7am.
  - o We have installed noise monitoring devices, one indoors and one outdoors. In the event noise reaches a predetermined level we receive an alert, at which point we can contact the guests and let them know they need to bring the volume down. If we are unable to reach the guests or if there is an emergency that requires our immediate presence, my brother (who lives across the street from our cabin) can come over to assist. Also, we live on the west side of Calgary and can be at our cabin in 30 minutes.

- We have two cameras that face the driveway. The cameras allow us to see how many people are at the house, or if there are trespassers on the property. The cameras also record audio and give us an idea if there is any noise emanating from our property.
- Trespassing:
  - Our lot is shaped like a parallelogram and had no visible lot demarcation when we purchased it. The neighbour complained that guests were stepping onto their property and expressed that they wanted to put up a privacy fence. We agreed to the fence and paid for half of the expenses. There has been no trespassing since.
- Excessive Smoke:
  - The neighbour is complaining about our firewood that we burn and that we supply to our guests. The wood that we were using was harvested by my brother and I and may not have been fully seasoned, so in an effort to quickly obtain better firewood, we have purchased fully cured wood from a local Bragg Creek supplier.
  - We have our chimney swept and inspected annually by a certified inspector in an effort to maximize the safety of our indoor wood burning stove.

In our neighbour's appeal they estimated that our property is rented out 90% of the time, however this is erroneous. Our total rental occupancy rate since inception has been 46%, with a 49% rental rate from January 1, 2020 to December 16, 2020. The remainder of the time our cabin has been used by us, our extended family, our friends, or has been vacant. Keep in mind that when we have had short-term rental guests, the average number of people in each group has been less than 4.

Unfortunately, our neighbours have never once given us the opportunity to deal with any active situation that they felt was causing them issue. They prefer to call other neighbours, bylaw, or the police, or to personally come onto our property to harass our guests. They have had our phone number since the end of May 2020 and only contacted us once to inform us that they had already gone over to our backyard to tell a group of 4 guests to keep the noise down (which occurred before 10pm).

We support the local businesses and display coupons and business cards for local restaurants and establishments; we purchase gift cards from the local restaurants for repeat guests; we purchase a large portion of our supplies from the local stores; and we hire local cleaners to clean the house.

Nicole and I are doing everything in our power to ensure that the way we use our property does not disrupt the neighbours' enjoyment of their property or the peacefulness of the community. We are responsible homeowners and responsible hosts and will continue to do everything we can to be positive, contributing members of our neighbourhood and the rest of Bragg Creek.

Sincerely,

Nicole and Matthew Weir

Additional Info:

Here is a link to the AirBnb listing of our cabin:

<https://airbnb.com/h/braggcreekcabin>

Below is a table showing our Rental Occupancy Details and an aerial picture of our property at 79 River Drive North and the surrounding neighbours. (The neighbour to the north/right is appealing our approval). Since the photo was taken there has been a 6' privacy fence installed along the northern property line - from the very back of the property to the street side of the garage. Also, in the photo you can see the fire pit, which is located at the rear of our lot - this is where the majority of people spend their time while enjoying the outdoors at the cabin. We have installed patio string lights over the rear of the property (connected from the western tip of the cabin's fascia to the trees at the rear of the property), our neighbour has complained about the lights as well. In an effort to minimize the light emitted from the patio lights, we updated the switch that controls them with a special dimmer that is set to turn on at a very low light level each time the switch is activated.

## Rental Occupancy Details

<b>2019</b>		
Aug 16, 2019 - Dec 31, 2019		
# of days active in 2019	<b>137</b>	
Nights booked in 2019	<b>52</b>	
Rental occupancy rate	<b>38%</b>	
<b>2020</b>		
Jan 1, 2020 - Dec 16, 2020		
# of days active in 2020 thus far	<b>350</b>	
Nights booked in 2020	<b>171</b>	
Rental occupancy rate	<b>49%</b>	
<b>Rental occupancy rate since inception</b>		
<b>Total Rental Occupancy</b>	<b>46%</b>	
	<u>2020</u>	<u>2019</u>
Average number of adults per stay	<b>3.60</b>	<b>4.62</b>
Total average adults per stay since inception		
<b>3.85</b>		
<b>Average number of Days per stay</b>		
<u>2019</u>	<u>2020</u>	<u>Since Inception</u>
2.48	3.11	2.93
<b>Total number of stays in 2020</b>		
<b>55</b>		
<b>Total number of stays in 2019</b>		
<b>21</b>		
<b>Total number of stays since inception</b>		
<b>76</b>		





