

## PLANNING AND DEVELOPMENT SERVICES

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| <b>TO:</b>      | Municipal Planning Commission<br>Development Authority | <b>DIVISION:</b> 4               |
| <b>DATE:</b>    | February 10, 2021                                      | <b>APPLICATION:</b> PRDP20203954 |
| <b>FILE:</b>    | 03310004   |                                  |
| <b>SUBJECT:</b> | Accessory Building / Discretionary use with Variances  |                                  |

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**APPLICATION:** Construction of an accessory building (oversize shed), relaxation of the maximum building area and relaxation of the minimum side and rear yard setback requirements.

**GENERAL LOCATION:** located approximately 0.41 km (1/4 mile) west of Rge. Rd. 282 and on the south side of Twp. Rd. 232.

**LAND USE DESIGNATION:** Agricultural, General District (A-GEN)

**EXECUTIVE SUMMARY:** The Applicant is proposing to construct an oversize accessory building (storage shed) for personal vehicles and equipment. The accessory building will be 445.93 sq. m (4,800.00 sq. ft.) in gross floor area, be located 3.00 m (9.84 ft.) from the north property line and 7.00 m (22.96 ft.) from the west property line. There are three variances requested and the application appears compliant with Agricultural, General District (A-GEN) regulations.

**ADMINISTRATION RECOMMENDATION:** Administration recommends Approval in accordance with Option #1.

### OPTIONS:

- Option #1: THAT Development Permit Application PRDP20203954 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20203954 for the following reasons:
1. 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.

### AIR PHOTO & DEVELOPMENT CONTEXT:



### Administration Resources

Bronwyn Culham, Planning & Development Services

**VARIANCE SUMMARY**

| Variance                              | Requirement                         | Proposed                            | Percentage (%) |
|---------------------------------------|-------------------------------------|-------------------------------------|----------------|
| Permitted Accessory Building Area     | 190.00 sq. m.<br>(2,045.14 sq. ft.) | 445.93 sq. m.<br>(4,800.00 sq. ft.) | 134.70%        |
| Minimum Side Yard Setback Requirement | 6.00 m                              | 3.00 m                              | 50.00%         |
| Minimum Rear Yard Setback Requirement | 15.00 m                             | 7.00 m                              | 53.33%         |

**APPLICATION EVALUATION:**

The application was evaluated based on the information and site plan submitted with the application and the applicable policies and regulations.

|  |   |
|--|---|
| <b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Municipal Development Plan;</li> <li>• Land Use Bylaw C-8000-2020</li> </ul>  | <b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Floor Plan / prepared by Remuda Buildings / 06/10/19</li> <li>• Elevations / prepared by Remuda Buildings / 06/10/19</li> </ul> |
| <b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• Accessory Building &gt; 190.00 m<sup>2</sup> is a discretionary use in the Residential, Rural District (R-RUR) – The parcel is designated Agricultural, General District (A-GEN) however, due to lot size (4.00 acres) R-RUR uses apply as per Section 309 of the Land Use Bylaw</li> </ul> | <b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission</li> </ul>  |

Additional Review Considerations

There were no technical considerations that warranted additional discussion or conditioning.



**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

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Executive Director  
Community Development Services

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Chief Administrative Officer

BC/sl

**ATTACHMENTS**

ATTACHMENT ‘A’: Development Permit Report Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT ‘C’: Application Referrals



ROCKY VIEW COUNTY

## ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS

**Description:**

1. That an accessory building (oversize storage shed) may be constructed on the subject land in general accordance with the submitted application, site plan and design drawings, titled *Floor Plan and Elevations* as prepared by Remuda Buildings.
  - i. That the maximum building area is relaxed from **190.00 sq. m. (2,045.14 sq. ft.)** to **445.93 sq. m (4,800.00 sq. ft.)**
  - ii. That the minimum side yard setback requirement is relaxed from **6.00 m (19.68 ft.)** to **3.00 m (9.84 ft.)**.
  - iii. That the minimum rear yard setback requirement is relaxed from **15.00 m (49.21 ft.)** to **7.00 m (22.96 ft.)**

**Permanent:**

2. That the accessory building shall not be used for residential occupancy or commercial purposes at any time unless approved through a Development Permit.
3. That the exterior siding and roofing materials of the accessory building shall be similar to the existing dwelling, single-detached and/or area.
4. That there shall be no more than 1.00 m (3.28 ft.) of fill placed or 2.00 m (6.56 ft.) cut/excavated adjacent to or within 15.00 m (49.21 ft.) of the proposed building under construction that is used to establish approved final grades unless a Development Permit has been issued for additional fill.
5. That 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
6. That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
7. That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application or submitted in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity.

**Advisory:**

8. That during construction of the building, 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.
9. That during construction of the accessory building, the Applicant/Owner shall adhere to the County's Noise Bylaw (C-5772-2003) at all times.
10. That a Building Permit and subtrade permits for the accessory building shall be obtained through Building Services, prior to any construction taking place.
11. 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 issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.



ROCKY VIEW COUNTY

12. That any other government permits, approvals, or compliance is 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*.**



ROCKY VIEW COUNTY

## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

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|---|---|
| <b>APPLICANT:</b><br>Boschee, Kevin J & Nicole R  | <b>OWNER:</b><br>Boschee, Kevin J & Nicole R  |
| <b>DATE APPLICATION RECEIVED:</b><br>December 3, 2020   | <b>DATE DEEMED COMPLETE:</b><br>December 3, 2020  |
| <b>GROSS AREA:</b> ± 1.61 hectares<br>(± 4.00 acres)  | <b>LEGAL DESCRIPTION:</b><br>NE-10-23-28-04 Lot 6 Block 1 Plan 1811875<br>(282081 TWP RD 232) |
| <b>APPEAL BOARD:</b> Subdivision and Development Appeal Board   |   |
| <b>HISTORY:</b><br><br><b>Nov 02, 2018:</b> Building Permit PRBD20184463, Farm Building Location Permit – Occupancy Granted<br><b>Dec 19, 1996:</b> Building Permit 1996-BP-10824, Single Family Dwelling/Manufactured or Mobile Home – Occupancy Granted<br><br><b>September 4, 2018:</b> Development Permit PRDP20181304, construction of an accessory building (pole structure), relaxation of the maximum building area and relaxation of the maximum height requirement – Issued by the Subdivision and Development Appeal Board |   |
| <b>PUBLIC &amp; AGENCY SUBMISSIONS:</b><br><br>The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.  |   |





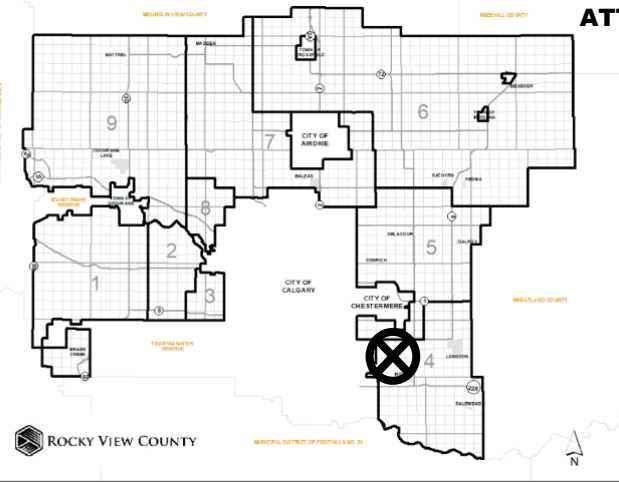
## Location & Context

### Development Proposal

Construction of an accessory building (oversize shed) and relaxation of the maximum building area and relaxation of the minimum side yard setback requirement and relaxation of the minimum rear yard setback requirement.

Division: 04  
Roll: 03310004  
File: PRDP20203954  
Printed: Jan 15, 2021  
Legal: Lot:6 Block:1  
Plan:1811875 within NE-10-23-28-W04M

## ATTACHMENT 'B': MAPS AND OTHER INFORMATION





## Site Plan

Development Proposal

Construction of an accessory building (oversize shed) and relaxation of the maximum building area and relaxation of the minimum side yard setback requirement and relaxation of the minimum rear yard setback requirement.

Legend

Support

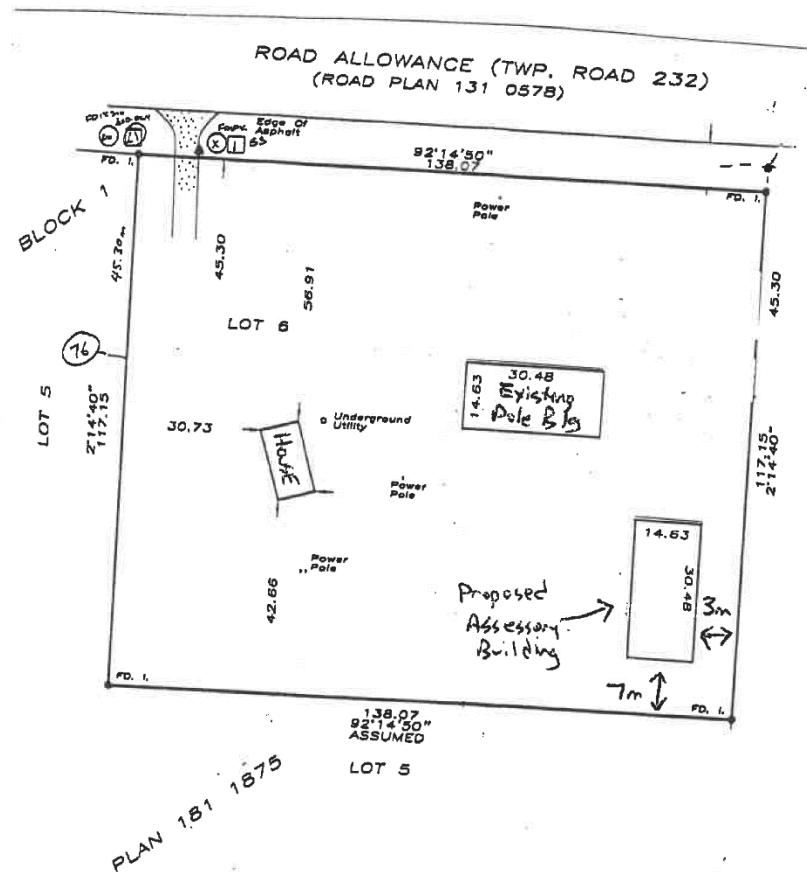


Opposition



Division: 04  
Roll: 03310004  
File: PRDP20203954  
Printed: Jan 15, 2021  
Legal: Lot:6 Block:1  
Plan:1811875 within NE-10-23-28-W04M

## Site Plan



282081 TWP Rd 232

Plan 1811875, Block 1, Lot 6





Inspection Photos  
January 6, 2021



Inspection Photos  
January 6, 2021



**Inspection Photos**  
January 6, 2021





Inspection Photos  
January 6, 2021





| AGENCY  | CIRCULATED | RESPONSE RECEIVED |
|---|------------|-------------------|
| <b><i>School Authority</i></b>                              |            |                   |
| Rocky View Schools  | No         |                   |
| Calgary Catholic School District                            | No         |                   |
| Public Francophone Education                                | No         |                   |
| Catholic Francophone Education                              | No         |                   |
| <b><i>Province of Alberta</i></b>                           |            |                   |
| Alberta Environment and Parks                               | No         |                   |
| Alberta Transportation                                      | No         |                   |
| Alberta Sustainable Development (Public Lands)              | No         |                   |
| Alberta Culture and Community Spirit (Historical Resources) | No         |                   |
| Energy Resources Conservation Board                         | No         |                   |
| Alberta Health Services                                     | No         |                   |
| <b><i>Public Utility</i></b>                                |            |                   |
| ATCO Gas  | No         |                   |
| ATCO Pipelines  | No         |                   |
| AltaLink Management   | No         |                   |
| FortisAlberta   | No         |                   |
| Telus Communications  | No         |                   |
| TransAlta Utilities Ltd.                                    | No         |                   |
| <b><i>Adjacent Municipality</i></b>                         |            |                   |
| The City of Calgary   | Yes        | No                |
| Tsuut'ina Nation  | No         |                   |
| <b><i>Other External Agencies</i></b>                       |            |                   |
| EnCana Corporation  | No         |                   |
| <b><i>Rocky View County Boards and Committees</i></b>       |            |                   |
| ASB Farm Members  | No         |                   |

## ATTACHMENT 'C': APPLICATION REFERRALS

| AGENCY  | CIRCULATED | RESPONSE RECEIVED |
|---|------------|-------------------|
| <b><i>Internal Departments</i></b>              |            |                   |
| Recreation, Parks and Community Support         | No         |                   |
| Development Authority                           | No         |                   |
| GIS Services                                    | No         |                   |
| Building Services                               | Yes        | Yes               |
| Fire Services & Emergency Management            | No         |                   |
| Development Compliance                          | Yes        | Yes               |
| Planning and Development Services (Engineering) | Yes        | Yes               |
| Transportation Services                         | No         |                   |
| Capital Project Management                      | No         |                   |
| Utility Services                                | No         |                   |
| Agricultural and Environmental Services         | No         |                   |

Circulation Period: December 18, 2020 to January 17, 2021

Agencies that were not required for distribution are not listed.