

## **PLANNING AND DEVELOPMENT SERVICES**

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**TO:** Municipal Planning Commission  
Development Authority  
**DIVISION:** 1

**DATE:** March 10, 2021  
**APPLICATION:** PRDP20210414

**FILE:** 03912182

**SUBJECT:** Accessory Building (existing) / Discretionary use, with Variances

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**APPLICATION:** Application is for an accessory building (existing), relaxation of the minimum side yard setback requirement and to allow the accessory building within the front yard of the property.

**GENERAL LOCATION:** located in the hamlet of Bragg Creek.

**LAND USE DESIGNATION:** Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020.

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

**EXECUTIVE SUMMARY:** The Applicant has constructed an accessory building located in the front yard and approximately 0.21 m (0.69 ft.) from the side property boundary. The accessory building has been in place for approximately 20 years. The application is the result of a Real Property Report request and requires variances.

### **OPTIONS:**

- Option #1: THAT Development Permit Application PRDP20210414 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20210414 be refused 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.

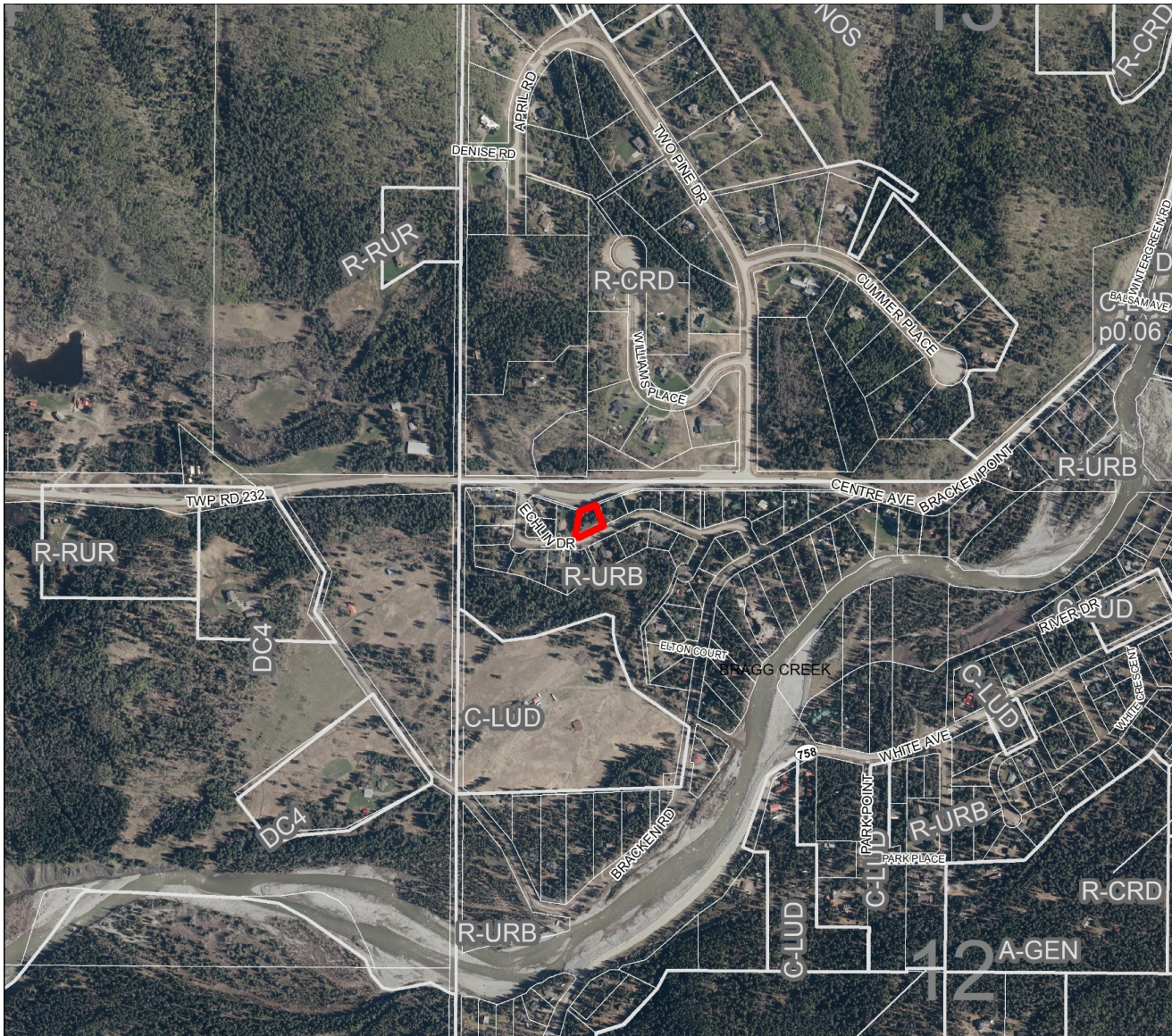
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### **Administration Resources**

Wayne Van Dijk, Planning and Development



ROCKY VIEW COUNTY

**AIR PHOTO & DEVELOPMENT CONTEXT:****VARIANCE SUMMARY:**

Variance	Requirement	Proposed	Percentage
Accessory Building located in Front Yard	Accessory buildings not permitted in front yard	Accessory building located in front yard	100.00 %
Side Yard Setback	0.60 m (1.97 ft.)	0.47 m (1.54 ft.)	21.67%

**APPLICATION EVALUATION:**

The application was evaluated based on the information 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>• Bragg Creek Area Structure Plan</li> <li>• Land Use Bylaw C-8000-2020</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• None</li> </ul>
<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• Accessory Buildings not permitted in front yard</li> <li>• Side yard setback 0.60 m (1.97 ft.)</li> </ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission</li> </ul>

Additional Review Considerations

The applicant has stated the shed has remained in location since purchasing the property in 2001.

**CONCLUSION:**

Subject to the proposed Development Permit conditions, 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

WV/ltt

**ATTACHMENTS:**

ATTACHMENT ‘A’: Development Permit Report Conditions

ATTACHMENT ‘B’: Maps and Other Information



**ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS**Option #1:

Approval subject to the following conditions:

**Description:**

1. That the accessory building (existing shed) may remain on the subject parcel, in general accordance with the drawings prepared by Lovse Surveys Ltd. and submitted with the application.
  - i. That the accessory building shall be permitted to remain in the front yard of the parcel.
  - ii. That the minimum side yard setback requirement is relaxed from **0.60 m (1.97 ft.)** to **0.21 m (0.69 ft.)**.

**Permanent:**

2. That any over government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.



## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<b>APPLICANT:</b> Kimberley McMullen	<b>OWNER:</b> Kimberley McMullen
<b>DATE APPLICATION RECEIVED:</b> February 2, 2021	<b>DATE DEEMED COMPLETE:</b> February 12, 2021
<b>GROSS AREA:</b> ± 0.05 hectares (± 0.12 acres)	<b>LEGAL DESCRIPTION:</b> Lot 28, Block 1, Plan 1226LK, NW-12-23-05-W05M (111 Centre Street)
<b>APPEAL BOARD:</b> Subdivision, Development Appeal Board	
<b>HISTORY:</b> <ul style="list-style-type: none"> <li>No previous development permit history</li> </ul>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> The application was circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	

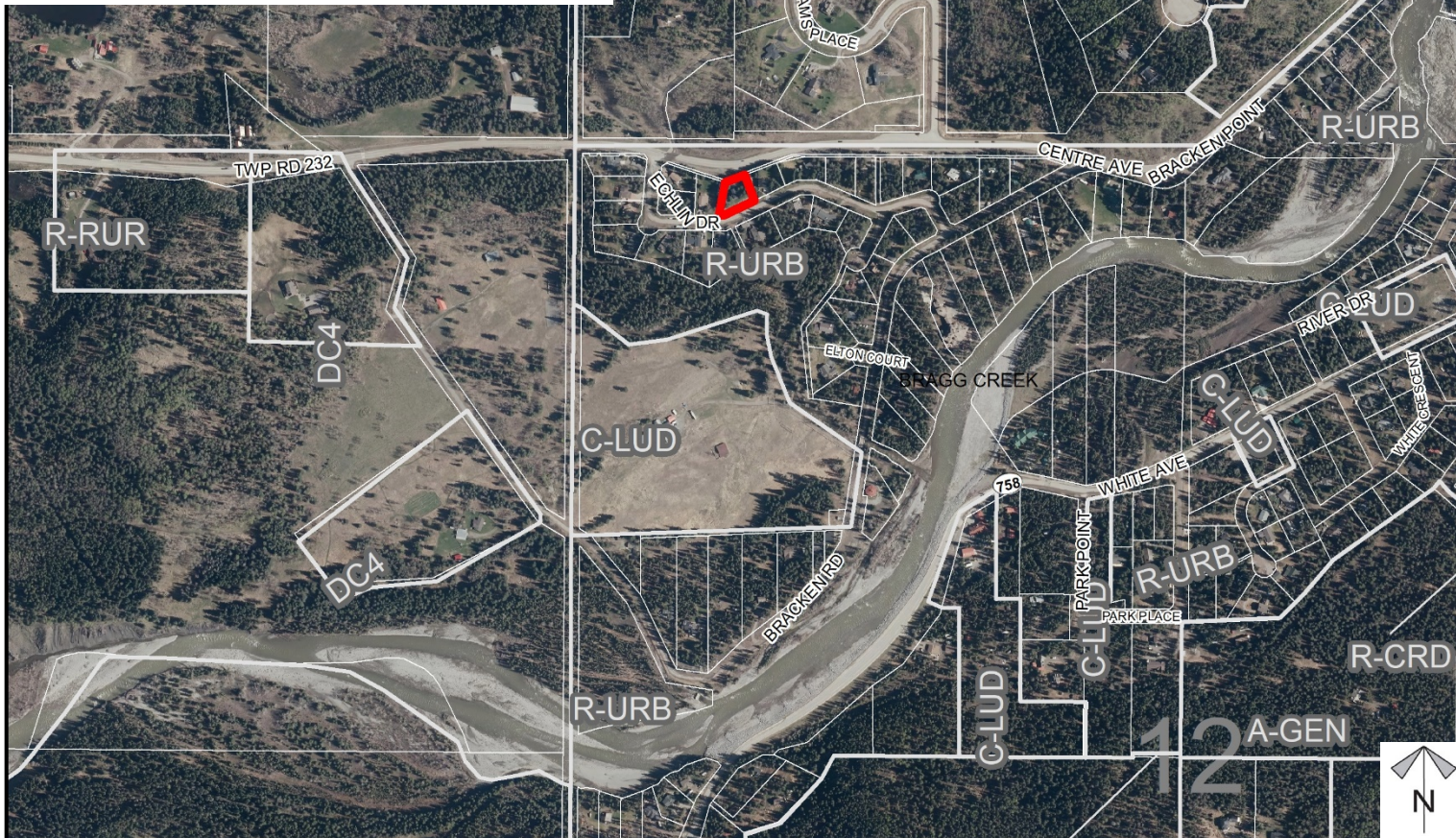
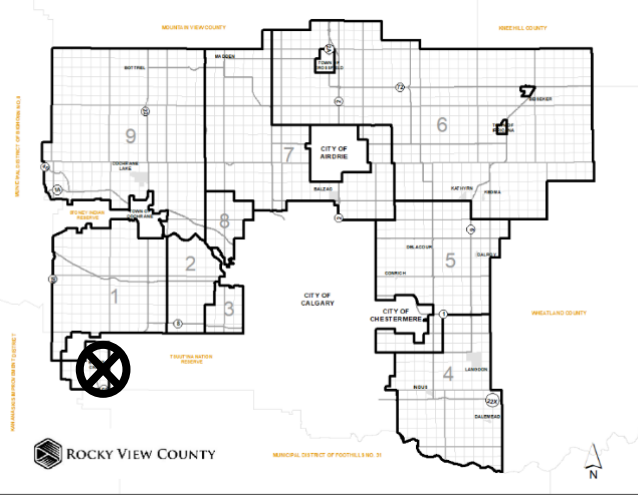




## Location & Context

### Development Proposal

Accessory Building  
(existing shed) with  
variance to side yard  
setback



Division: 1  
Roll: 03912182  
File: PRDP20210414  
Printed: Feb 12, 2021  
Legal: Lot:28 Block:1  
Plan:1226 LK within NW-12-  
23-05-W05M



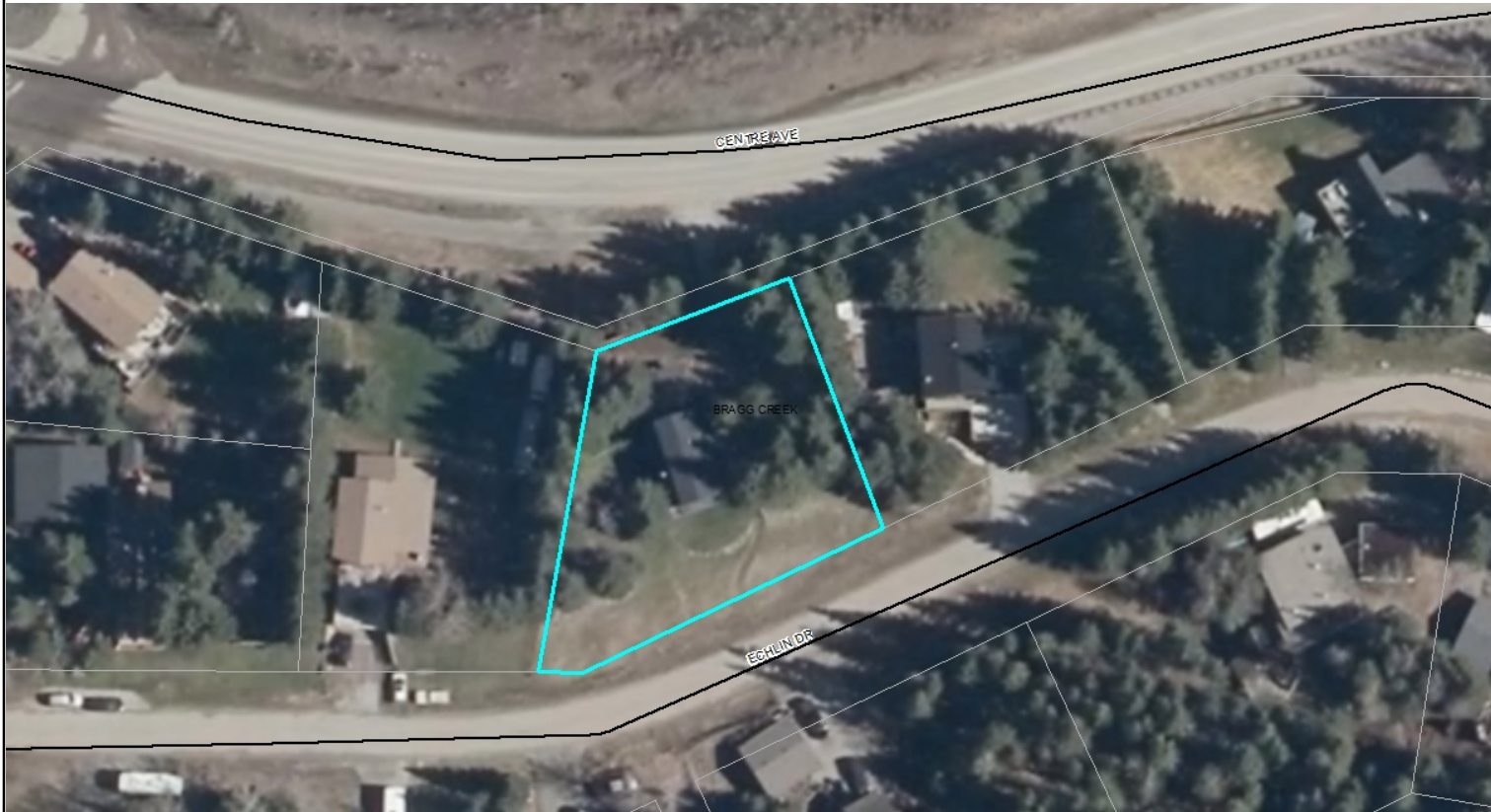
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## Site Plan

### Development Proposal

Accessory Building  
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*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.*



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## Cover Letter

### Development Proposal

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I recently had a RPR done as I'm planning to sell my house. When I submitted my new RPR it came back as not in compliance due to the shed placement on the property. The shed was in the exact same location (it's a permanent shed) as when I purchased the house in 2001 at which time I received a RPR with a Rockyview stamp of compliance dated Aug 2001. I know the shed was there at the time the RPR was done because I'd been living in the house since 1999 as a rental and the shed was always there. I will explain why the shed is in the most logical place based upon my neighborhood layout and ask for an exception/variance or whatever is needed to keep the shed where it is and to have a RPR stamp of compliance issued.

Reasons I was told the RPR did not receive a stamp of compliance:

1. **The shed is located in the front yard, and sheds are not permitted in front yard.**  
My property as well as those around me are bordered by 2 roads (Echlin Rd and Centre Ave). All the houses in our development have their driveways on Echlin Dr., except mine is the only property to have a driveway from Centre Ave. (sketch attached). My "RPR" front yard/back yard designation is thus reversed from everyone else's. My front yard in practicality (and to match the flow and neighborhood aesthetics) really is the backyard. Centre Rd is against everyone else's backyard and all of their front yards are on Echlin Drive, thus all other sheds etc are at the back by Centre Ave like mine. My neighbor recently put a shed at the back of her property very near mine but on her side of the fence. Even though they are very near each other, hers is considered to be in the backyard, mine is considered to be in the front yard. I'm sure my whole neighborhood would prefer I keep my shed hidden at the back of my property where it has always been and not up front near Echlin Rd where everyone has their open front lawns and where their driveways are. As you can see on the sketch if I were to put the shed in my "designated back yard" it would be very out of place, would not align with the front/back yard positions of the properties next to me and would be an eyesore for my neighbors across from me on Echlin.

2. **The shed encroaching into the side yard setback.**  
The shed is in the exact same location as it was when I purchased the property in 2001. It is near the back fence at the corner of the property. On my compliance request I was told the shed is encroaching the side property set-back. I measured the distance from my neighbors actual fence and it's about 2meters at the front, almost 3 meters at the back (the shed is placed slightly off center). It looks like the fence is a little off from the actual property line as detailed on the RPR. That may explain why the shed had been placed a bit too close to the set-back. Since the shed is 100% on my property, and 2 meters from my neighbors actual fence I'd like approval to keep the shed where it is. To try to move the shed a couple of inches to match the survey/setback would probably destroy the shed and make no difference to my neighbor or anyone else in my neighborhood.

I've attached pictures showing my shed and also the neighbors across from me on Echlin to show putting a shed on the Echlin side of the property would not make any sense (our lots are 1/2 acre so it was difficult to get full pictures). Please email or call if you need any additional information.

Thank- You.  
Kim McMullen

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