



## **PLANNING AND DEVELOPMENT SERVICES**

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**TO:** Municipal Planning Commission  
Development Authority  
**DIVISION:** 7

**DATE:** March 24, 2021  
**APPLICATION:** PRDP20210583

**FILE:** 07723018

**SUBJECT:** Accessory Building / Permitted use, with Variances

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**APPLICATION:** Application is for the construction of an accessory building (workshop), relaxation to the minimum side yard and rear yard setback requirements.

**GENERAL LOCATION:** Located approximately 0.81 km (1/2 mile) south of Twp. Rd. 274 and on the east side of Hwy 766.

**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 is proposing to construct a new accessory building approximately 160.54 sq. m (1,728.00 sq. ft.) in area, for use as a personal workshop. The proposed accessory building will be located approximately 12.91 m (42.36 ft.) from the rear property line and approximately 5.91 m (19.39 ft.) from the side property boundary. The proposed location requires variances to the minimum rear and side yard setbacks.

### **OPTIONS:**

- Option #1: THAT Development Permit Application PRDP20210583 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20210583 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



### AIR PHOTO & DEVELOPMENT CONTEXT:



### VARIANCE SUMMARY:

Variance	Requirement	Proposed	Percentage
Rear Yard Setback	30.00 m (98.43 ft.) from all other parcels over 4.00 ha (9.88 acres)	12.91 m (42.36 ft.)	56.97%
Side Yard Setback	15.00 m (49.21 ft.) from other uses for parcels over 4.00 ha (9.88 acres)	5.91 m (19.39 ft.)	60.60%

### 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>Land Use Bylaw C-8000-2020</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>None</li> </ul>
<b>PERMITTED USE:</b> <ul style="list-style-type: none"> <li>Accessory Building &lt;190 sq. m (2,045.14 sq. ft.) is permitted but requires variances</li> </ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>Municipal Planning Commission</li> </ul>



### Additional Review Considerations

A dwelling, single detached was approved under permit PRDP20202964 for this parcel. The Applicant has stated that the terrain is quite undulating and the proposed location is the only suitable location. The adjacent landowners have expressed no issues with the proposal (see attached adjacent landowner letters in Attachment B).

### **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 construction of the accessory building (workshop), approximately **160.54 sq. m. (1,728.00 sq. ft.)** in area, may commence on the subject land in general accordance with the drawings submitted with the application.
  - i. That the minimum rear yard setback requirement is relaxed from **30.00 m (98.43 ft.) to 12.91 m (42.36 ft.)**.
  - ii. That the minimum side yard setback requirement is relaxed from **15.00 m (49.21 ft.) to 5.91 m (19.39 ft.)**.

#### **Permanent:**

2. That the exterior siding and roofing materials of the accessory building shall be similar to the existing dwelling, single-detached and/or area.
3. That the accessory building shall not be used for residential occupancy or commercial purposes at any time unless approved by a Development Permit.
4. That there shall be no more than 2.00 m (6.56 ft.) of excavation or 1.00 m (3.28 ft.) of fill/topsoil placed adjacent to or within 15.00 m (49.21 ft.) of the proposed accessory building under construction in order to establish approved final grades unless a Development Permit has been issued for additional fill.
5. That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
6. 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, in accordance with the Road Use Agreement Bylaw C-8065-2020.

#### **Advisory:**

7. That during the 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.
8. That during the construction of the proposed development, the Applicant/Owner shall implement appropriate erosion and sedimentation control measures, in accordance with County Servicing Standards.
9. That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-5772-2003) at all times.
10. That a Building Permit/Farm Building Exemption, 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.



12. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
  - i. That the Applicant/Owner shall obtain any required Alberta Environment and Parks approvals for wetland disturbance.



ROCKY VIEW COUNTY

## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<b>APPLICANT:</b> Sheila Nielson & David Rudsuela	<b>OWNER:</b> David Rudisuela
<b>DATE APPLICATION RECEIVED:</b> February 15, 2021	<b>DATE DEEMED COMPLETE:</b> February 15, 2021
<b>GROSS AREA:</b> ± 4.29 hectares (± 10.60 acres)	<b>LEGAL DESCRIPTION:</b> Lot 6, Block 3, Plan 1912391, SW-23-27-03-W05M (273056 Lochend Road)
<b>APPEAL BOARD:</b> Municipal Government Board	
<b>HISTORY:</b> <ul style="list-style-type: none"> <li>PRDP20202964: construction of a dwelling, single detached within top of bank setback requirement.</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.	



Accessory Building

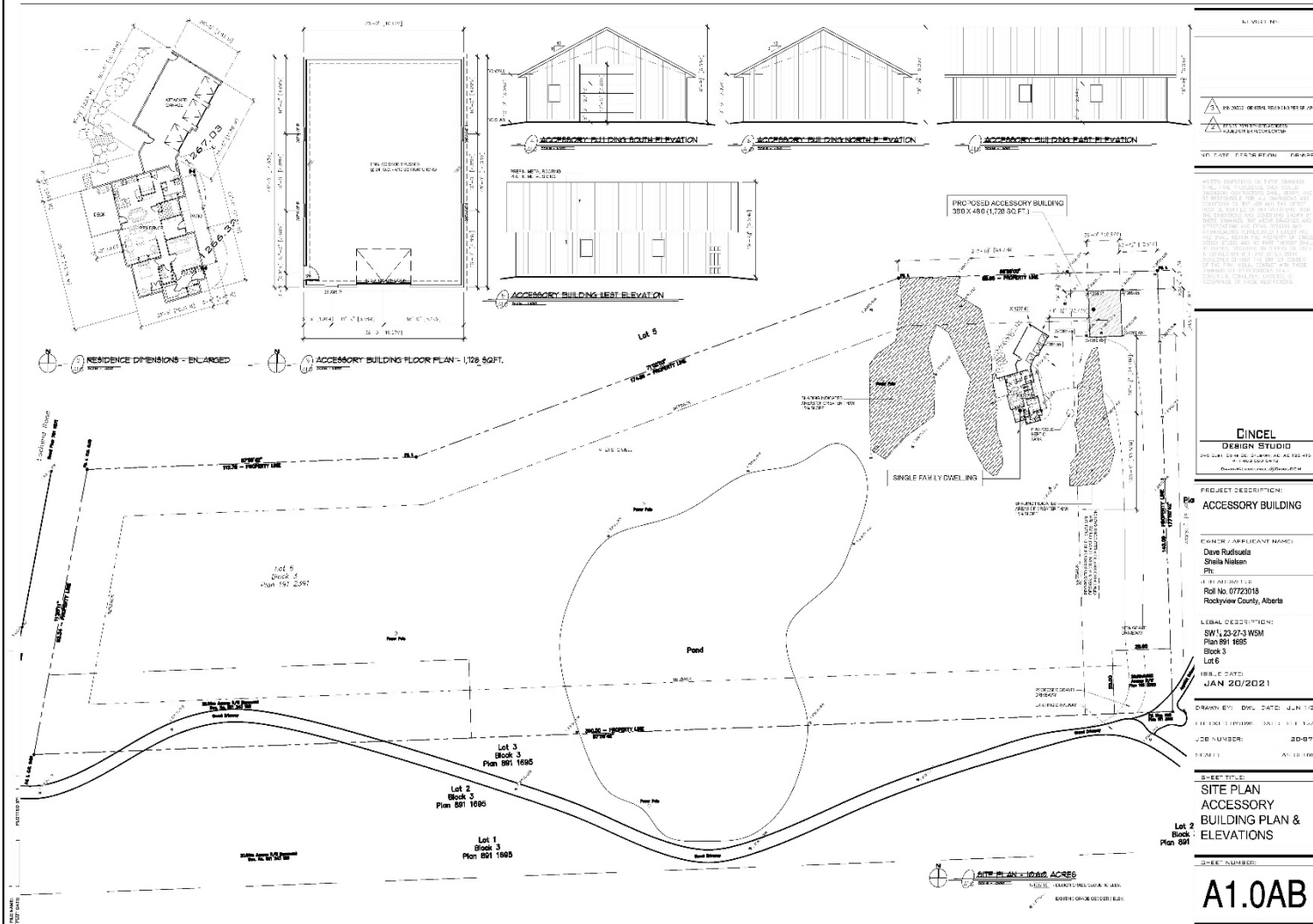
Division: 07  
Roll: 07723018  
File: PRDP20210583  
Printed: Feb 19, 2021  
Legal: Lot:6 Block:3  
Plan:1912391 within SW-23-  
27-03-W05M



## Site Plan

## Development Proposal

Accessory Building



*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.*

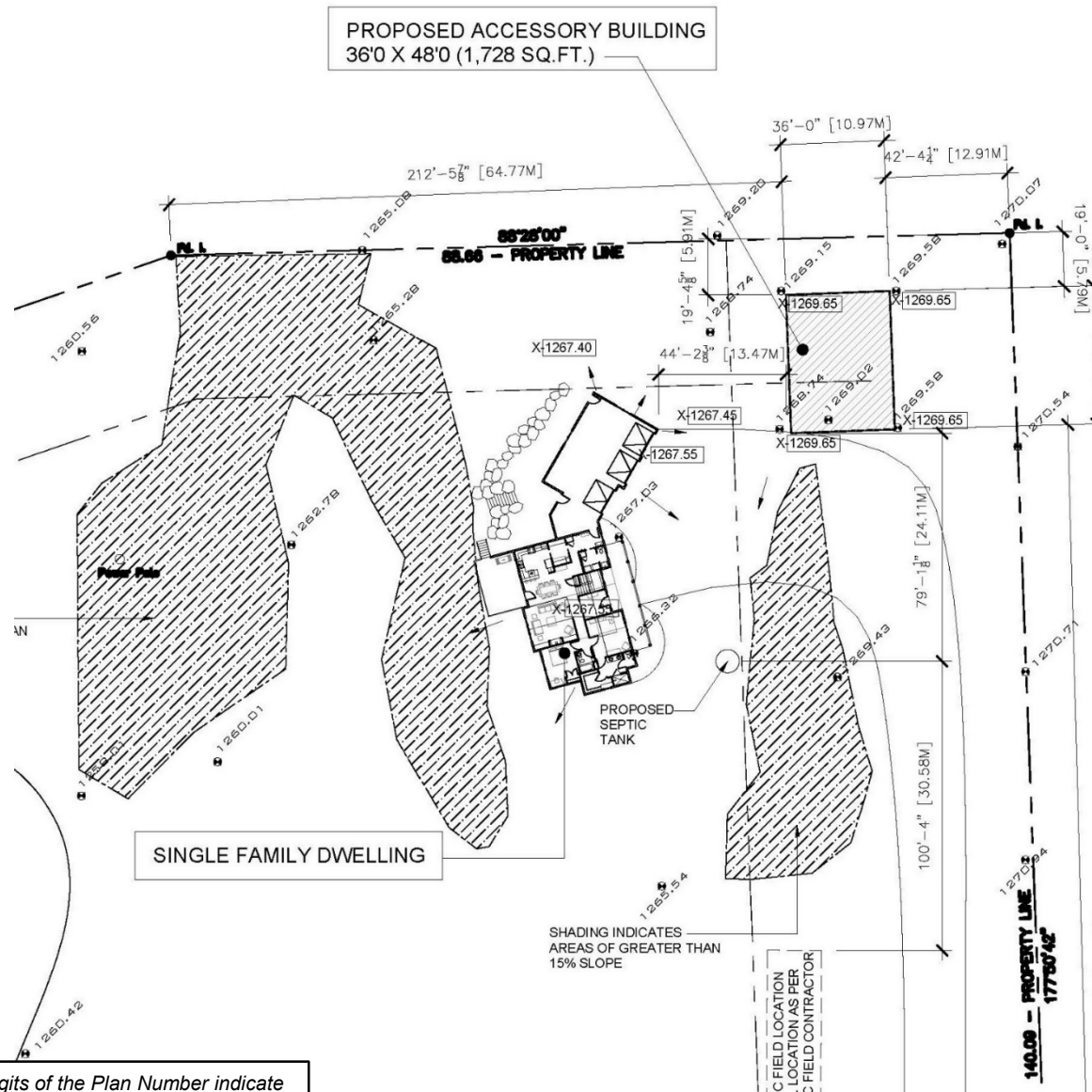
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## Site Plan

## Development Proposal

### Accessory Building



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## Aerial Imagery

### Development Proposal

Accessory Building



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**Cover Letter****Development Proposal**

## Accessory Building

February 16, 2021

Sheila Nielsen & David Rudisuela  
265215 Range Road 24A  
Rocky View County, AB  
T4B 5A2

**Scope of work – 273056 Lochend Road – Accessory Building**

We are planning on building a 36' X 48' accessory building on our land to the east of our house. This building will be used for a workshop for personal use. The building will be outside of the rear and side setback requirements as referenced in section 323 of the Land Use Bylaw.

The reason we would like to put the building in this location is because our land is hilly and this area is relatively flat making it the logical place to build the structure. We would also like the building close to the house. This will have no impact on our neighbors. The 3 neighbors we share a driveway with will not see this building from their yards. The neighbor to the north will not be impacted either as our house and accessory building are approximately 180 m from his house. We have talked to several of our neighbors about this proposal and they have no concerns. Letters of support are included with this letter.

Thank you.



Sheila Nielsen



David Rudisuela

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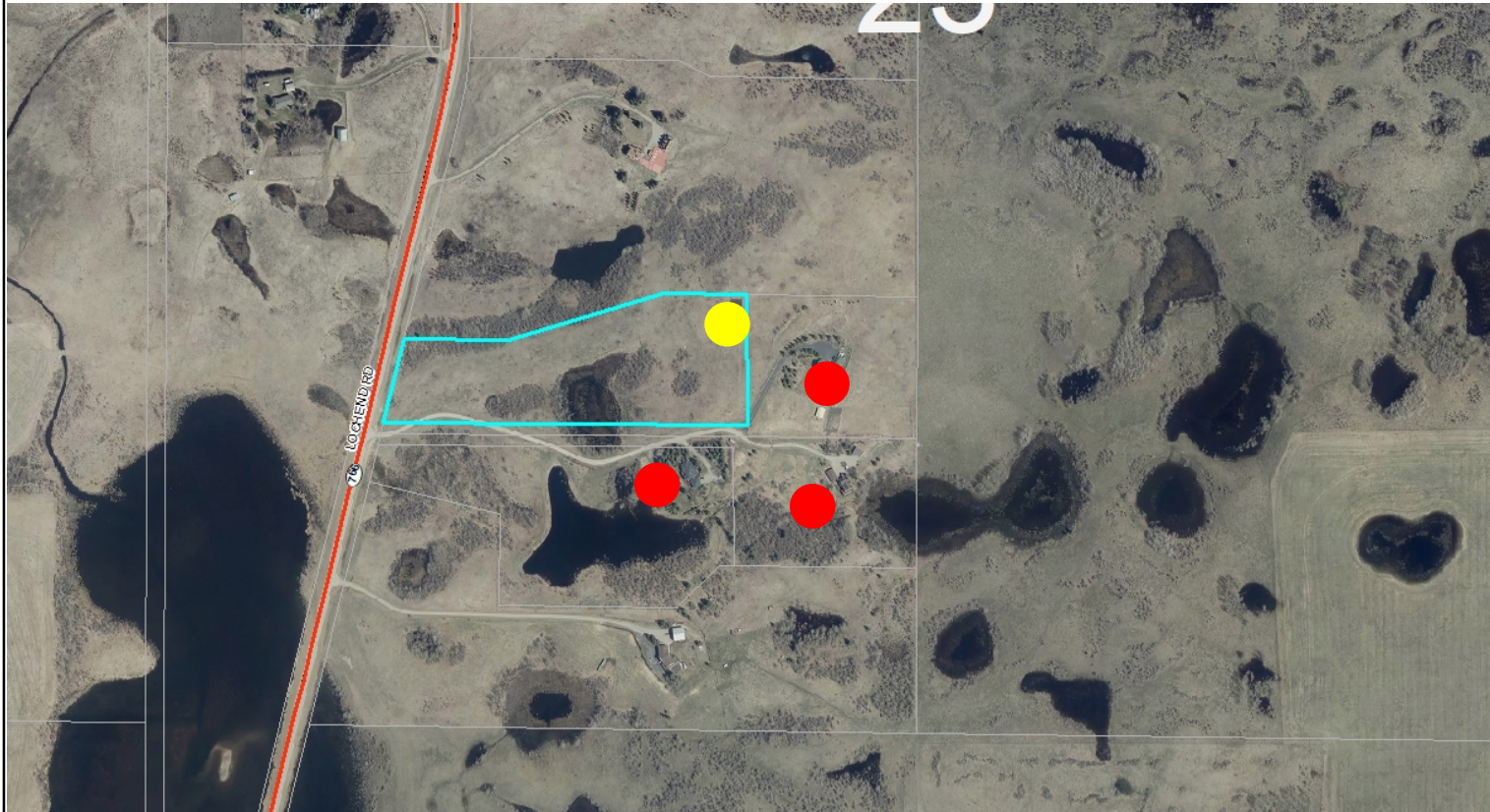




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**Site Plan****Development Proposal**

Accessory Building



-  Adjacent landowner letter of support provided
-  Approximate accessory building location



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## Adjacent Landowner Letter

### Development Proposal

Accessory Building

To whom it may concern.

I understand that Sheila Nielsen and David Rudisuela are planning to build an accessory building on their property at 273056 Lochend Road. I understand that they plan to situate the building closer to the property line than the minimum side and rear yard setbacks outlined in the Rocky View County Land Use Bylaw # 323 allow.

Sheila and David have discussed this with me and I have no concerns.

2021.02.13

Date

*Robyn Swanson*

Signature

ROBYN SWANSON

Printed Name

273054 LOCHEND RD  
Rocky View County  
 Address T4C 2Z8

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**Adjacent  
Landowner  
Letter****Development Proposal**

Accessory Building

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Sheila and David have discussed this with us and we have no concerns.

2021-2-13

Date

Diana Doyle

Signature

Diana Doyle

Printed Name

273052 Lochend Rd

Address

BT Rudisuela

Signature

Brian Davidson

Printed Name

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**Adjacent  
Landowner  
Letter****Development Proposal**

Accessory Building

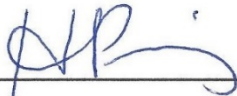
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Sheila and David have discussed this with me and I have no concerns.

Feb. 15 / 21

Date



Signature

Heather Piercy

Printed Name

273050 Lochend Rd.

Address

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## Site Photos

### Development Proposal

#### Accessory Building

Building site looking north



Building site looking south



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## Site Photos

### Development Proposal

#### Accessory Building

Building site looking west



Building site looking east



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