



## PLANNING AND DEVELOPMENT SERVICES

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| <b>TO:</b>      | Municipal Planning Commission<br>Development Authority | <b>DIVISION:</b> 9               |
| <b>DATE:</b>    | March 24, 2021   | <b>APPLICATION:</b> PRDP20210412 |
| <b>FILE:</b>    | 08706006   |                                  |
| <b>SUBJECT:</b> | Accessory Building / Permitted use, with Variances     |                                  |

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**APPLICATION:** The proposal is for an accessory building (existing shed), relaxation of the minimum rear yard setback requirement.

**GENERAL LOCATION:** Located approximately 1.61 km (1mile) north of Twp. Rd. 275 and on the west side of Rge. Rd. 35

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

**EXECUTIVE SUMMARY:** This application is for an accessory building, approximately 594.36 m<sup>2</sup> (1,950.00 ft<sup>2</sup>) which is located within the rear yard setback of the property . The shed is small in height and does not appear to negatively impact adjacent parcels, as its surroundings are comprised of farmland and dense vegetation.

Additionally there are two other accessory structures on the site, a shed, and a detached garage. Both accessory structures are within the front yard setback however in 2011 both successfully applied for an obtained development permits for variances to the front yard setback.

This application is to ensure that all the accessory structures on the parcel are compliant with the Land Use Bylaw as this is the final structure needing a permit with a variance on site.

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

### OPTIONS:

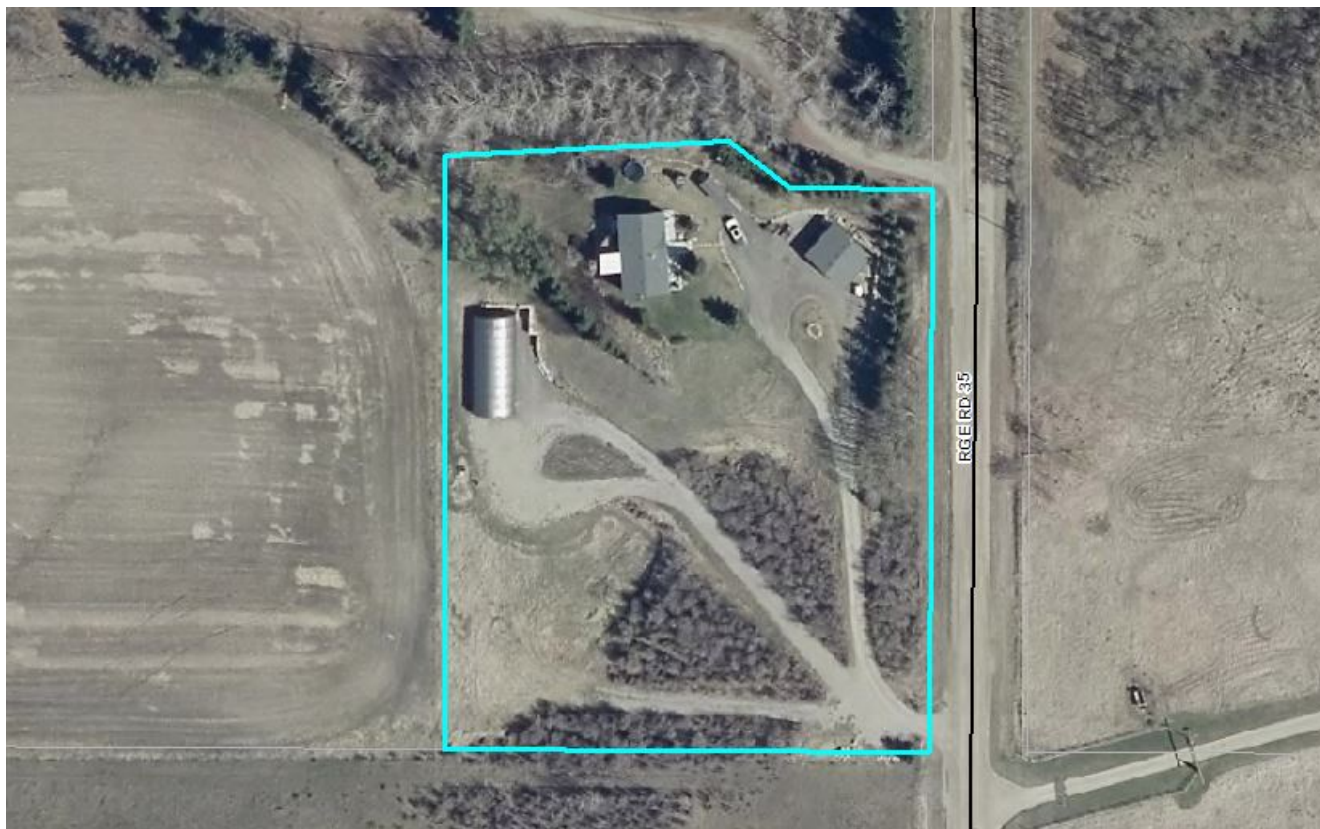
- Option #1: THAT Development Permit Application PRDP20210412 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20210412 be refused for the following reasons:
1. That in the opinion of the Municipal Planning Commission, the development unduly 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

Camilo Conde, Planning and Development Services

**AIR PHOTO & DEVELOPMENT CONTEXT:**



**VARIANCE SUMMARY:**

| Variance             | Requirement                            | Proposed           | Percentage (%) |
|----------------------|--|--------------------|----------------|
| 308 Minimum Setbacks | 15.00 m (49.21 ft.) from other parcels | 7.30 m (23.95 ft.) | 48.66 %        |

**APPLICATION EVALUATION:**

The application was evaluated based on the site plan submitted with the application and the Land Use Bylaw C-8000-2020.

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| <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>Real Property Report</li> </ul>                   |
| <b>PERMITTED USE:</b> <ul style="list-style-type: none"> <li>Accessory building</li> </ul>  | <b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>Municipal Planning Commission (MPC)</li> </ul> |



Additional Review Considerations

Land Use Bylaw C-8000-2020 was consulted for this application as the application is to bring the property into compliance with current zoning and setback regulations.

**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

CC/

**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, approximately 594.36 m<sup>2</sup>(1,950.00 ft<sup>2</sup>) in area) shall be permitted to remain, in accordance with the Real Property Report prepared by global raymac surveys, (File No.: 20CR0628) dated July 7, 2020.
  - i. That the minimum rear yard setback requirement **shall be relaxed from 15.00 m (49.21 ft.) to 7.30 m (23.95 ft.).**

**Permanent:**

2. That the accessory building shall not be used for residential occupancy or discretionary commercial purposes at any time unless otherwise approved by a Development Permit.
3. That any over government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.



ROCKY VIEW COUNTY

## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

|   |  |
|---|--|
| <b>APPLICANT:</b><br>Devon Markert  | <b>OWNER:</b><br>Brittany Toth, Kyle Barkey      |
| <b>DATE APPLICATION RECEIVED:</b><br>February 2, 2021   | <b>DATE DEEMED COMPLETE:</b><br>November 2, 2021 |
| <b>GROSS AREA:</b> ± 1.20 hectares (± 2.98 acres)   | <b>LEGAL DESCRIPTION:</b> SE-06-28-03-W05M       |
| <b>APPEAL BOARD:</b> Subdivision and Development Appeal Board   |  |
| <p>Planning Applications</p> <ul style="list-style-type: none"> <li>• There are no Planning related application on file for this parcel</li> </ul> <p>Development Permits</p> <ul style="list-style-type: none"> <li>• 2011-DP-14424 Approved (Front yard setback relaxation)</li> <li>• 2011-DP-14619 Approved by SDAB (Relaxation of front yard setback of garage)</li> </ul> <p>Building Permits</p> <ul style="list-style-type: none"> <li>• 1995-BP-4599 Occupancy Granted (Dwelling, Single Detached)</li> <li>• 2011-BP-24396 In compliance (Detached Garage)</li> </ul> |  |



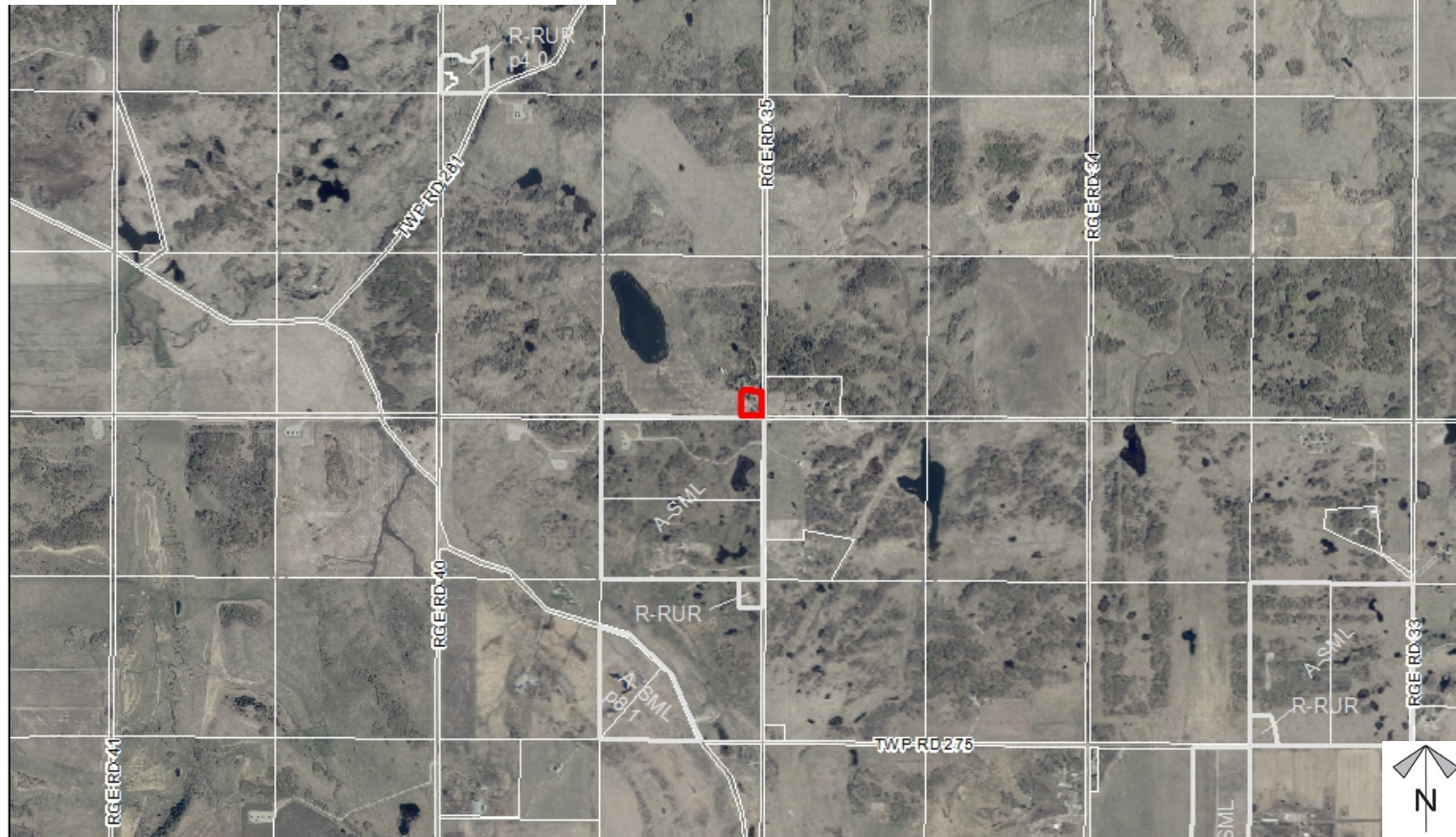
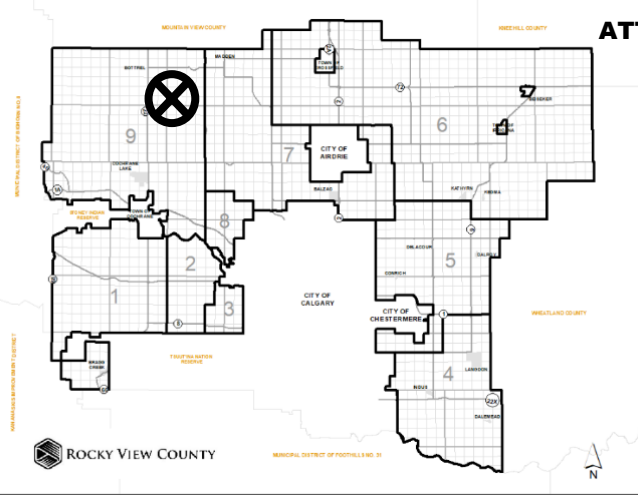


## Location & Context

### Development Proposal

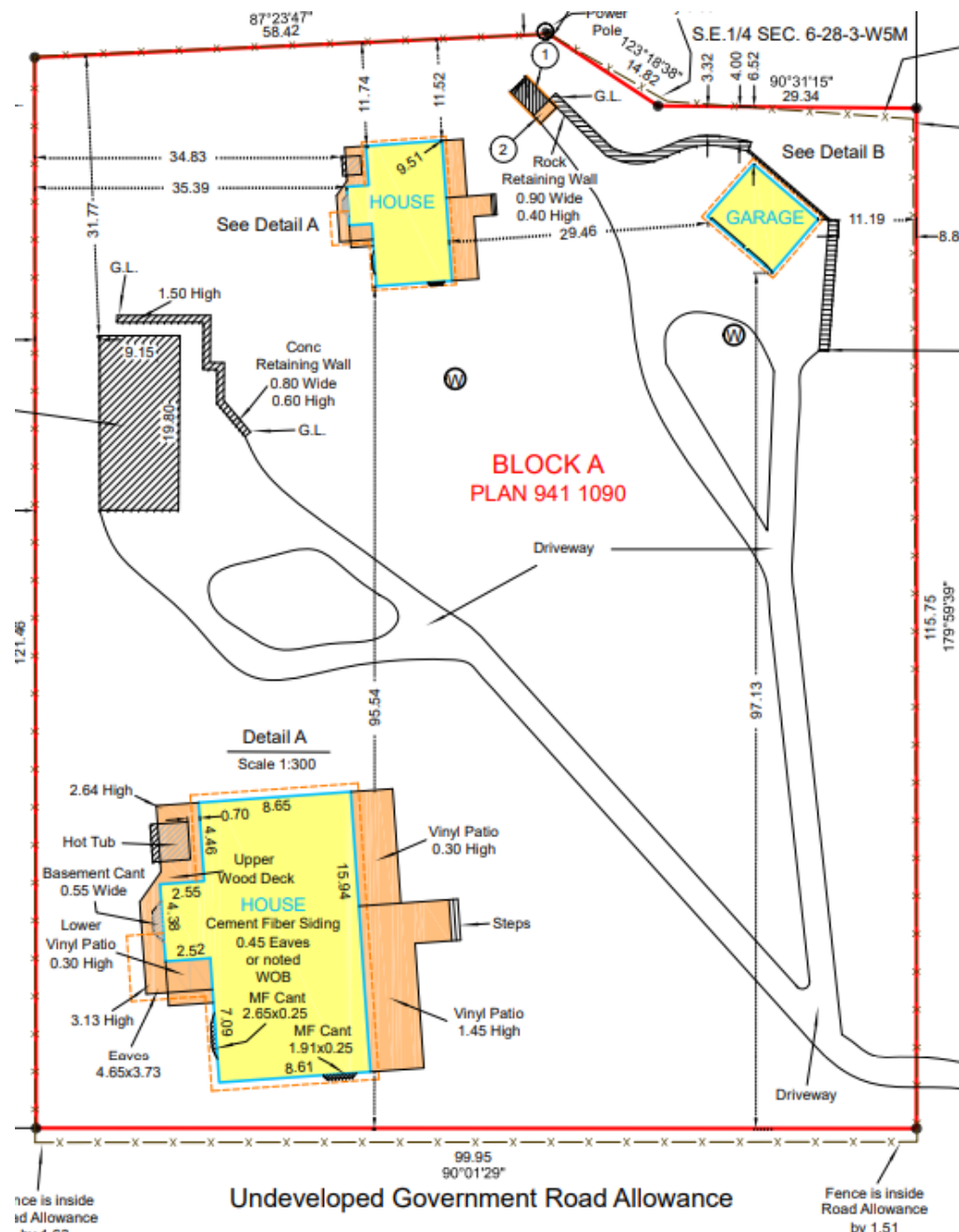
Relaxation of the side yard  
setback for a shed  
(existing)

## ATTACHMENT 'B': MAPS AND OTHER INFORMATION



Division: 9  
Roll: 08706006  
File: PRDP20210412  
Printed: March 5, 2021  
Legal: Block: A Plan:  
9411090; within SE-06-28-  
03-W05M

Division: 9  
Roll: 08706006  
File: PRDP20210412  
Printed: March 5, 2021  
Legal: Block: A Plan:  
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03-W05M







## Site photos

### Development Proposal

Relaxation of the side yard  
setback for a shed  
(existing)

