

PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board
DATE: March 25, 2021 **DIVISION:** 4
FILE: 03214159 **APPLICATION:** PRDP20203847
SUBJECT: Development Item: Accessory building (existing shed), relaxation of the allowance within the side yard and relaxation of the minimum side yard setback requirement

APPLICATION: Accessory building (existing shed), relaxation of the allowance within the side yard and relaxation of the minimum side yard setback requirement.

GENERAL LOCATION: Located in the hamlet of Langdon

LAND USE DESIGNATION: Direct Control-85 Cell 1

EXECUTIVE SUMMARY: The applicants submitted this application in order to bring the property into compliance prior to the sale of the residence. The shed was originally placed in late 2020 and was placed within the side yard setback of the property. In order to fully bring the property into compliance either a development permit needed to be obtained, or the shed be moved to meet the minimum side yard setbacks.

The lands are located within the hamlet of Langdon, within the Boulder Creek neighbourhood to the southeastern side of the Hamlet's area.

This matter is before the Subdivision and Development Appeal Board as a neighbour has appealed the decision granted by the Rocky View County Municipal Planning Commission. The neighbour filed on the final day of the appeal period due to the nature of the shed's location with respect to their property and fence line.

The appellant has listed several concerns as the reasons why they submitted the appeal and are summarized as:

- The shed was only placed in late 2020 and the shed has not had enough time to settle.
- The screws for the co-owned fence are located on the subject's side of the fence and are now completely inaccessible for fence repairs.
- The subject shed is only approximately 3 inches from the fence line and snow/ moisture falls directly onto the fence, which then falls into the appellant's yard. In the winter, this impedes their gate from properly opening.
- The subject shed can easily be moved to comply with setback regulations, as the subject's back yard is quite large.
- The property has been sold and the appellant does not want the new owners to be held liable for the relocation of the shed.

DECISION: Approved

DEVELOPMENT / SUBDIVISION AUTHORITY: Municipal Planning Commission

DECISION DATE:
February 11, 2021

APPEAL DATE:
March 9, 2021

ADVERTISED DATE:
February 12, 2021

Administration Resources

Camilo Conde, Planning and Development Services

AIR PHOTO & DEVELOPMENT CONTEXT:



VARIANCE SUMMARY:

Regulation	Requirement	Proposed	Variance
2.5.2 (DC-85)	Accessory buildings are not permitted within the front or side yard of any dwelling unit	Within side yard of dwelling unit	100.00%
59.5(e)(ii)(2)	0.60 m (1.96 m)	0.20 m (0.65 ft.)	66.66%

APPLICATION EVALUATION:

The application was evaluated based on the site plan submitted with the application and the Land Use Bylaw C-4841-97, the Langdon Area Structure Plan (ASP), and the Boulder Creek Conceptual Scheme.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> <i>Municipal Government Act</i> Land Use Bylaw C-4841-97 Langdon Area Structure Plan 	PERMITTED USE: <ul style="list-style-type: none"> Accessory Building
	DEVELOPMENT VARIANCE AUTHORITY: Municipal Planning Commission (MPC)



APPEAL:

See attached report and exhibits.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Heather McInnis", written over a horizontal line.

Heather McInnis
Supervisor, Development & Compliance

CC/lt

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Development Authority **DIVISION:** 4

DATE: February 10, 2021 **APPLICATION:** PRDP20203847

FILE: 03214159

SUBJECT: Accessory Building / Permitted use, with Variances

APPLICATION: The proposal is for an accessory building (existing shed), relaxation of the allowance within the side yard and relaxation of the minimum side yard setback requirement

GENERAL LOCATION: Located within the hamlet of Langdon.

LAND USE DESIGNATION: Direct Control District 85 (DC-85).

EXECUTIVE SUMMARY: This application is for an accessory building, approximately 6.00 m² (64.00 ft²) which is located within the side yard of the property and within the side yard setback. The shed is small in height and does not appear to negatively impact adjacent parcels, through the blocking of light or of sightlines.

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

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20203593 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20203593 be refused for the following reasons:
1. That the accessory building (existing shed, 6.00 m² (64.00 ft²) in area) shall be relocated to the rear yard of the property, to be in compliance with Direct Control District 85 Regulation 2.5.2.
 2. 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:



VARIANCE SUMMARY:

Variance	Requirement	Proposed	Percentage (%)
2.5.2 (DC-85)	Accessory buildings are not permitted within the front or side yard of any dwelling unit	Within side yard of dwelling unit	100.00%
59.5(e)(ii)(2)	0.60 m (1.96 m)	0.20 m (0.65 ft.)	66.66%

APPLICATION EVALUATION:

The application was evaluated based on the site plan submitted with the application and the Land Use Bylaw C-4841-97, the Langdon Area Structure Plan (ASP), and the Boulder Creek Conceptual Scheme.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act</i> • Land Use Bylaw C-4841-97 • Langdon ASP 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Site plan • Real Property Report
PERMITTED USE: <ul style="list-style-type: none"> • Accessory building 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • Municipal Planning Commission (MPC)



Additional Review Considerations

DC-85 and the Land Use Bylaw C-4841-97 were assessed for this application as the Direct Control District stipulates and then refers to the Land Use Bylaw on where accessory buildings can be located.

CONCLUSION:

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

Respectfully submitted,

Concurrence,

"Theresa Cochran"

"Al Hoggan"

Executive Director
Community Development Services

Chief Administrative Officer

CC/lt

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, 6.00 m² (64.00 ft²) in area) shall be permitted to remain in the side yard setback of the property, in accordance with the Real Property Report prepared by Vista Geomatics Ltd., (File No.: 20095436) dated October 22, 2020.
 - i. That the minimum side yard setback requirement **shall be relaxed from 0.60 m (1.96 ft.) to 0.20 m (0.65 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

APPLICANT: Ashley Sheedy	OWNER: Carly Kurta
DATE APPLICATION RECEIVED: November 25, 2020	DATE DEEMED COMPLETE: November 25, 2020
GROSS AREA: ± 0.07 hectares (± 0.19 acres)	LEGAL DESCRIPTION: NE-14-23-27-W04M
APPEAL BOARD: Subdivision and Development Appeal Board	
<p>Planning Applications</p> <ul style="list-style-type: none"> There are no Planning related application on file for this parcel <p>Development Permits</p> <ul style="list-style-type: none"> There are no other Development Permits on file for this parcel <p>Building Permits</p> <ul style="list-style-type: none"> 2007-BP-20561 Single detached dwelling (Occupancy granted) PRBD20143031 Hot tub (In compliance) 	
<p>PUBLIC & AGENCY SUBMISSIONS:</p> <p>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.</p>	

Administration Resources

Camilo Conde, Planning and Development Service



ROCKY VIEW COUNTY

**DEVELOPMENT PERMIT
APPLICATION**

FOR OFFICE USE ONLY

APPLICATION NO

20203847

ROLL NO

03214159

RENEWAL OF

FEES PAID

\$265.00

DATE OF RECEIPT

NOV 25/2020

APPLICANT/OWNER

Applicant Name: Ashley Sheedy

Email:

Business/Organization Name (if applicable): Vista Geomatics

Mailing Address: Bay 28 - 2015 32 Avenue NE

Postal Code: T2E 6Z3

Telephone (Primary): 403 270 4048

Alternative:

Landowner Name(s) per title (if not the Applicant):

Carly Kurta

Business/Organization Name (if applicable):

Mailing Address:

Postal Code: T0J 1X3

Telephone (Primary):

Email:

LEGAL LAND DESCRIPTION - Subject site

All/part of: ¼ Section: Township: Range: West of: Meridian Division:

All parts of Lot(s)/Unit(s): 8 Block: 7 Plan: 071 1240 Parcel Size (ac/ha):

Municipal Address: 558 Boulder Creek Circle

Land Use District:

APPLICATION FOR - List use and scope of workDevelopment Permit granting a relaxation for the setback of the vinyl Shed
0.20 away from the western side property line.Variance Rationale included: ☐ YES ☐ NO ☐ N/AQP Checklist included: ☒ YES ☐ NO**SITE INFORMATION**

- a. Oil or gas wells present on or within 100 metres of the subject property(s) ☐ YES ☐ NO
- b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant) ☐ YES ☐ NO
- c. Abandoned oil or gas well or pipeline present on the property ☐ YES ☐ NO
(Well Map Viewer: [http://www.aera.ab.ca/abandonedWells/index.html](#))
- d. Subject site has direct access to a developed Municipal Road (accessible public roadway) ☐ YES ☐ NO

AUTHORIZATIONI, Carly Kurta (Full name in Block Capitals), hereby certify (initial below):

- ☒ That I am the registered owner OR ☐ That I am authorized to act on the owner's behalf.
- ☒ That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.
- ☒ That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the Freedom of Information and Protection of Privacy Act.
- ☒ Right of Entry: I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.

Applicant Signature

Date

Nov 23/20

Landowner Signature

Date

Nov 23/20



LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

TITLE NUMBER

0032 296 709

0711240;7;8

141 221 095

LEGAL DESCRIPTION

PLAN 0711240

BLOCK 7

LOT 8

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

ATS REFERENCE: 4;27;23;14;NE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 071 536 579

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
141 221 095	22/08/2014	TRANSFER OF LAND	\$550,000	CASH & MORTGAGE

OWNERS

DANIEL COREY KURTA

AND

CARLY MAUREEN KURTA

BOTH OF:

[REDACTED]

[REDACTED]

[REDACTED]

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
071 115 787	08/03/2007	UTILITY RIGHT OF WAY GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. GRANTEE - FORTISALBERTA INC.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
141 221 095

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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GRANTEE - ATCO GAS AND PIPELINES LTD.
GRANTEE - TELUS COMMUNICATIONS INC.
GRANTEE - PERSONA COMMUNICATIONS CORP.
AS TO PORTION OR PLAN:0711241

071 115 788 08/03/2007 RESTRICTIVE COVENANT

071 115 793 08/03/2007 CAVEAT
RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL
GOVERNMENT ACT
CAVEATOR - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO.
44.
911-32 AVE NE
CALGARY
ALBERTA T2E6X6

071 115 794 08/03/2007 RESTRICTIVE COVENANT

071 115 795 08/03/2007 RESTRICTIVE COVENANT

141 221 096 22/08/2014 MORTGAGE
MORTGAGEE - ATB FINANCIAL.
212 CENTRE STREET
VULCAN
ALBERTA T0L2B0
ORIGINAL PRINCIPAL AMOUNT: \$550,000

(DATA UPDATED BY: CHANGE OF NAME 191195780)

191 195 781 25/09/2019 AMENDING AGREEMENT
AFFECTS INSTRUMENT: 141221096

TOTAL INSTRUMENTS: 007

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 25 DAY OF
NOVEMBER, 2020 AT 02:41 P.M.

ORDER NUMBER: 40581689

CUSTOMER FILE NUMBER: 20095436



END OF CERTIFICATE

(CONTINUED)

PAGE 3
141 221 095

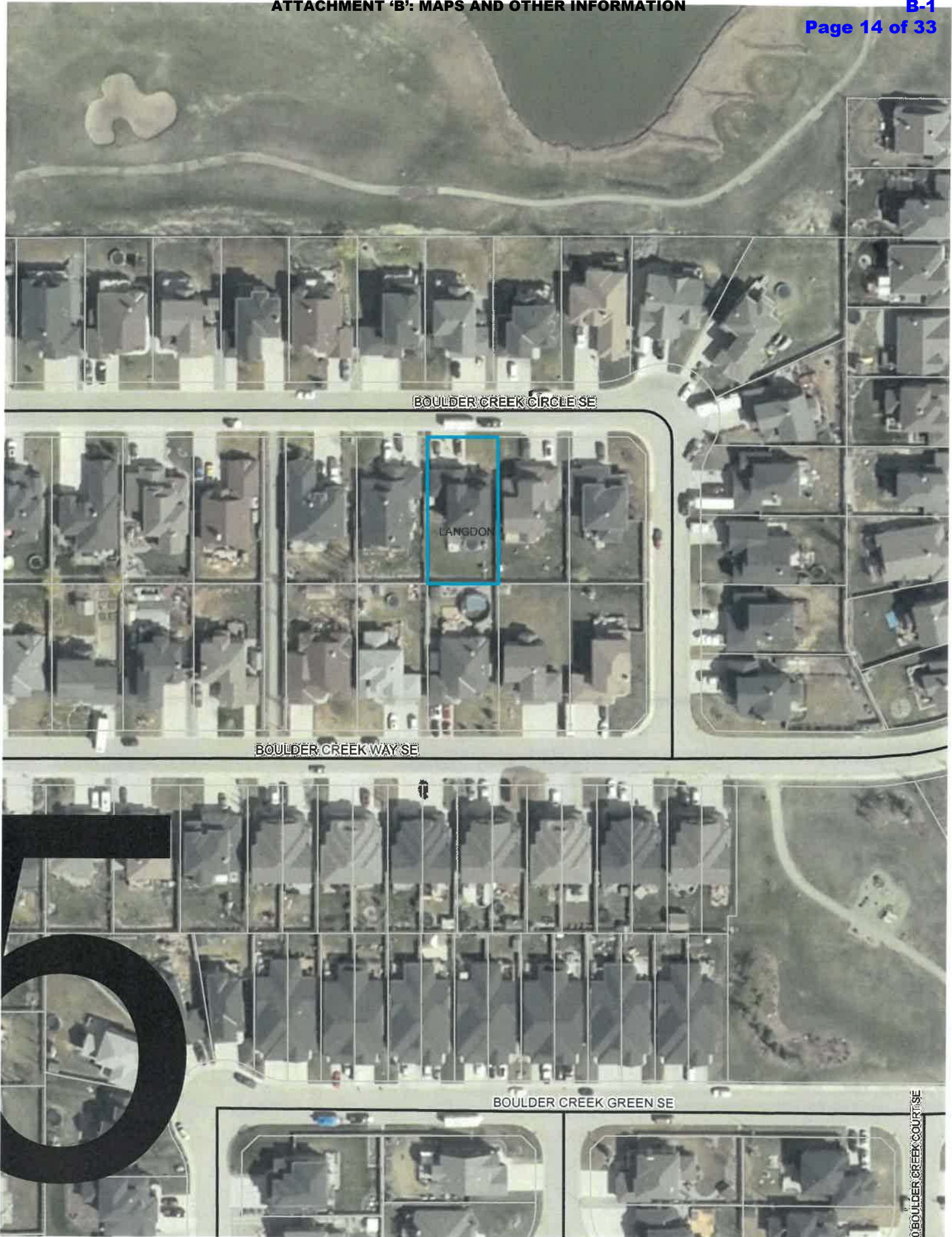
THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

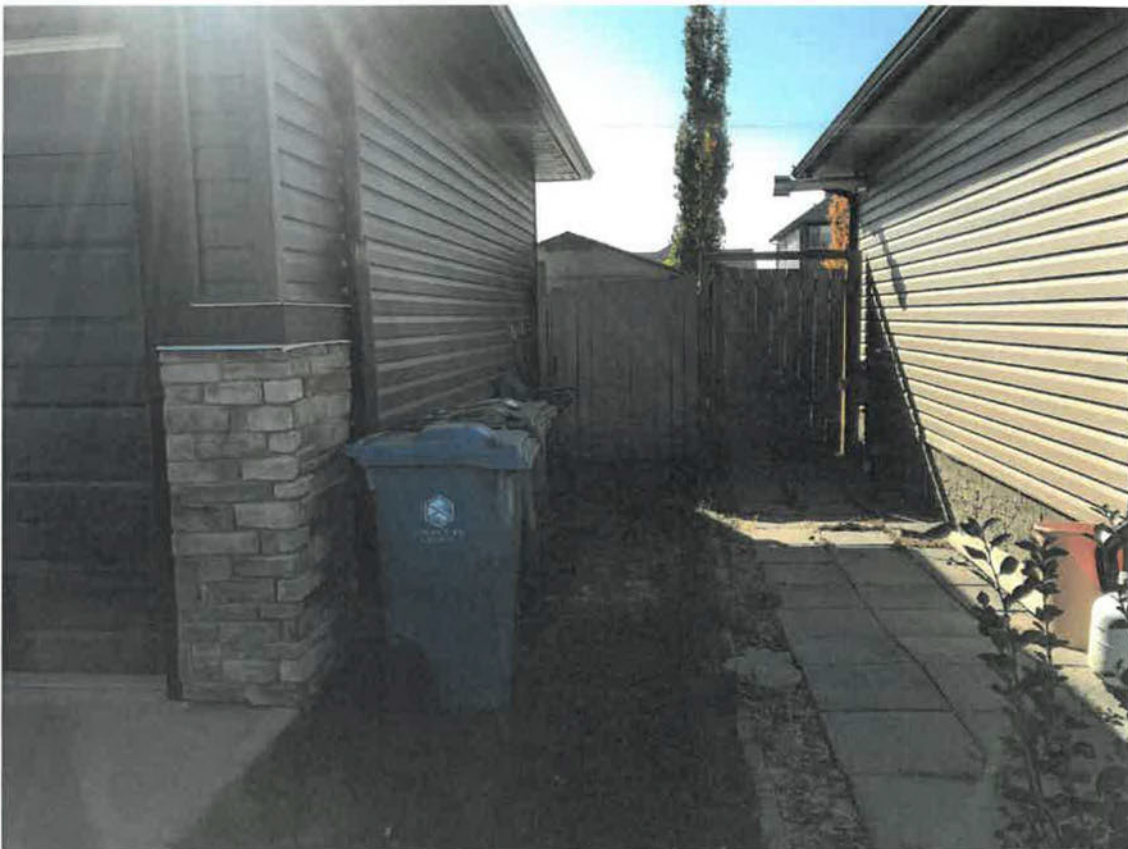
BOULDER CREEK CIRCLE SE

LANGDON

BOULDER CREEK WAY SE



BOULDER CREEK COURT SE





ROCKY VIEW COUNTY
Cultivating Communities

Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information

Name of Appellant(s) Brenda Neely			
Mailing Address 554 Boulder Creek Circle	Municipality Langdon	Province AB	Postal Code T0J1X3

Site Information

Municipal Address 558 Boulder Creek Circle	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian)
Property Roll # 03214159	Development Permit, Subdivision Application, or Enforcement Order # PRD20203847

I am appealing: (check one box only)

Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order
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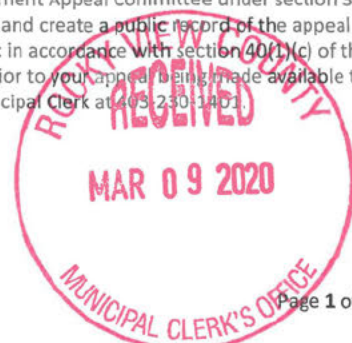
Reasons for Appeal (attach separate page if required)

I am appealing development permit #PRD20203847, roll # 03214159, for the following reasons. All measurements are approximate, pictures are included. The plastic shed was only put up in late 2020 and has not yet settled. The screws for the Co-owned fence are located on 558's side and are now completely inaccessible for any fence repairs. The west/fenced shed placement is only 3 inches from fence line and all snow/moisture coming off the shed hits directly onto the fence and then falls into my yard and in winter hinders my property gate from opening. The back/north end of the shed has approximately 24 inches of space to allow access to 558's fence gate.

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

B. Neely
Appellant's Signature

March 8/2021
Date



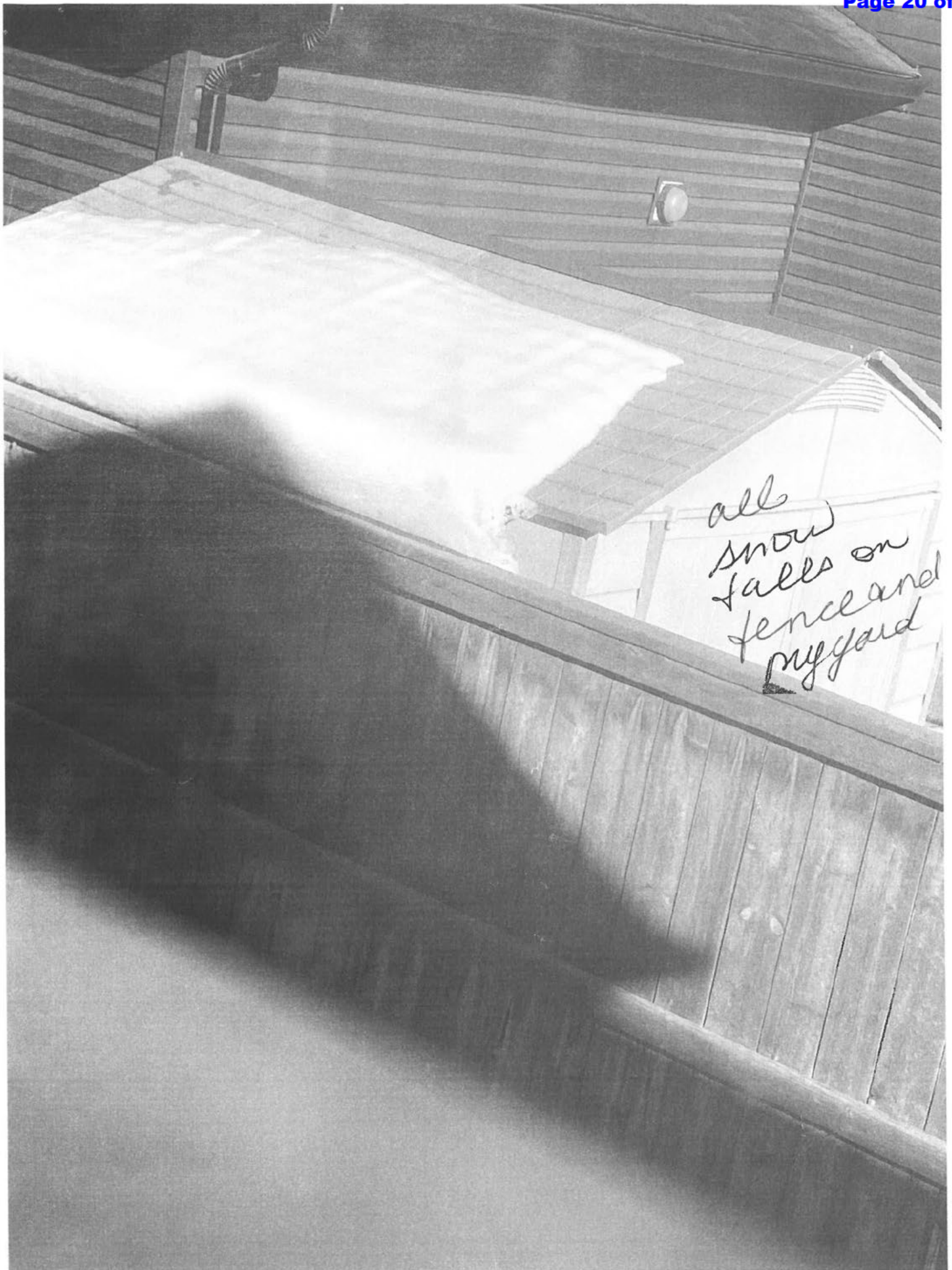
There is ample area to comply with the minimum side yard setback as well as side yard allowance as applicants back yard is quite large.

Finally the property has recently been sold and the new buyers should not be responsible for the relocation of the shed.

Thank you for your consideration.

Brady







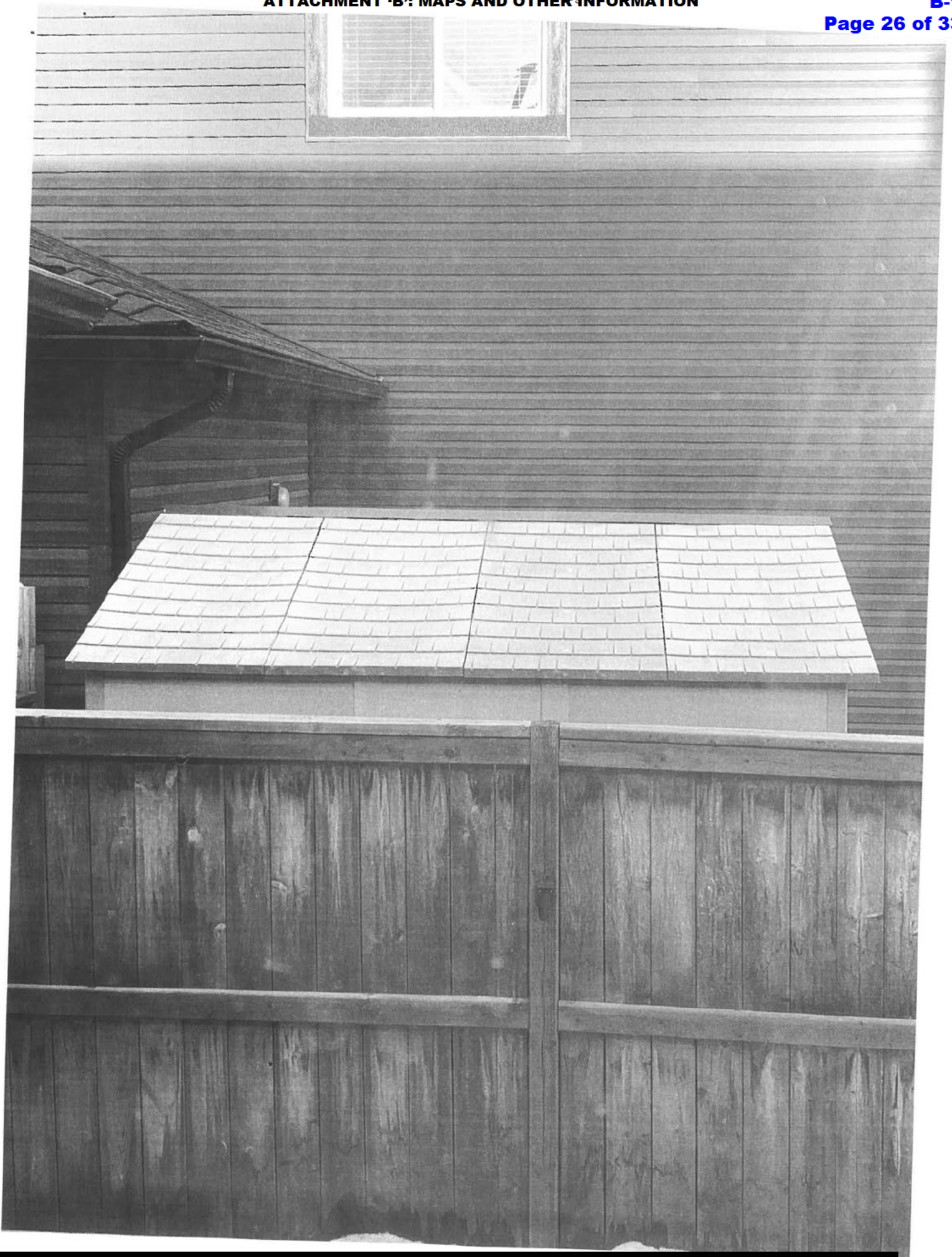


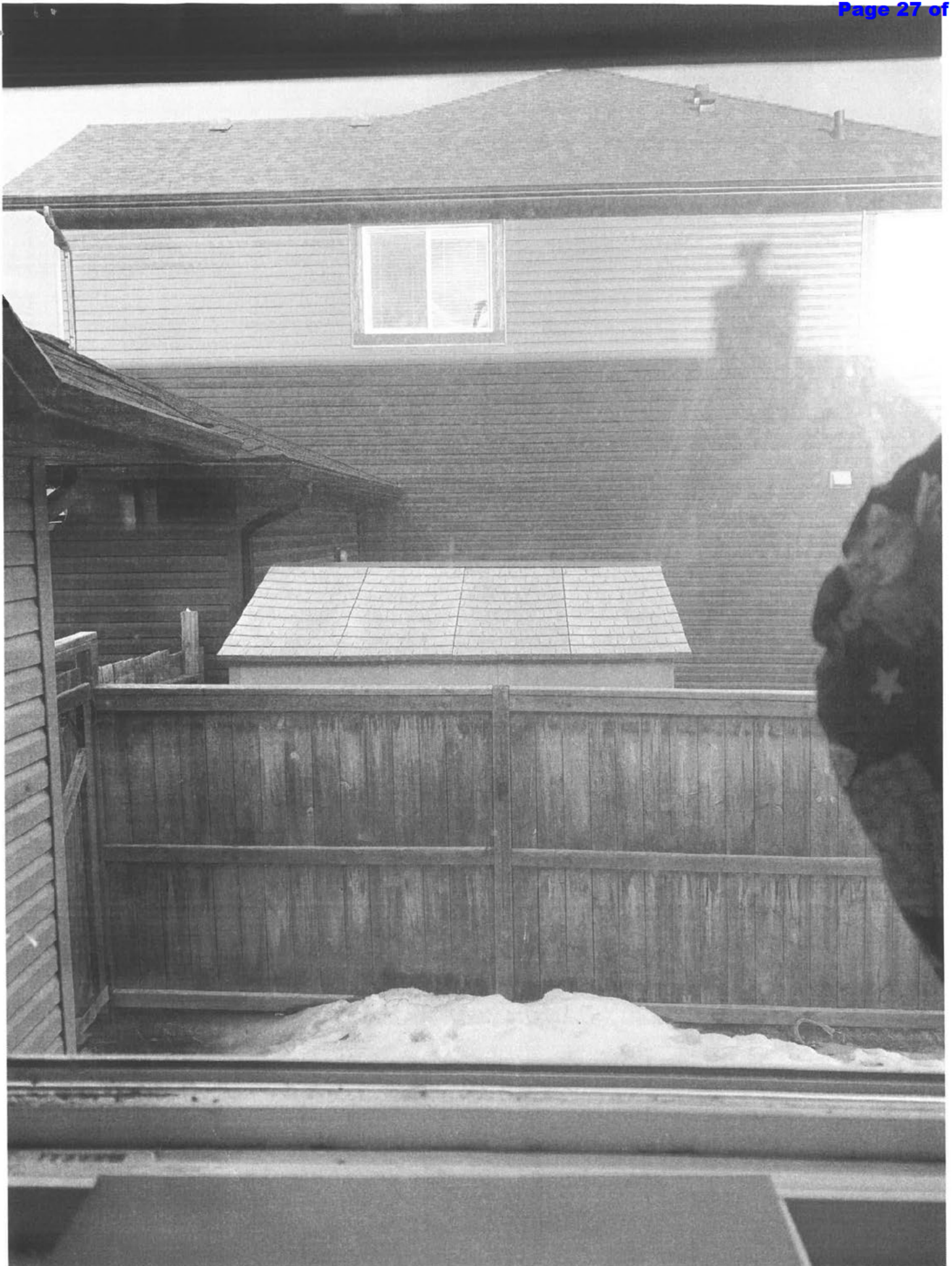


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ROCKY VIEW COUNTY

262075 Rocky View Point
Rocky View County, AB, T4A 0X2403-230-1401
questions@rockyview.ca
www.rockyview.ca

Decision of the Municipal Planning Commission

This is not a development permit

Vista Geomatics (Ashley Sheedy)
Bay 28, 2015 32 Ave Ne
Calgary, AB T2E 6Z3

Development file #: PRDP20203847
Issue Date: February 11, 2021
Roll #: 03214159
Legal description: NE-14-23-27-W04M

The Municipal Planning Commission conditionally approves the following:

Description:

1. That the accessory building (existing shed, 6.00 m² (64.00 ft²) in area) shall be permitted to remain in the side yard setback of the property, in accordance with the Real Property Report prepared by Vista Geomatics Ltd., (File No.: 20095436) dated October 22, 2020.
 - i. That the minimum side yard setback requirement **shall be relaxed from 0.60 m (1.96 ft.) to 0.20 m (0.65 ft.)**.

Permanent:

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

It is the responsibility of the applicant to meet and always follow the conditions outlined in this decision. Fines or enforcement action may occur if operating outside of the conditions of approval. Please contact Planning and Development Services at development@rockyview.ca or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact the Municipal Clerk's Office at sdab@rockyview.ca or 403-230-1401. More information on the SDAB can also be found at www.rockyview.ca.

Municipal Planning Commission

A blue ink signature of Jerry Gautreau, written in a cursive style.

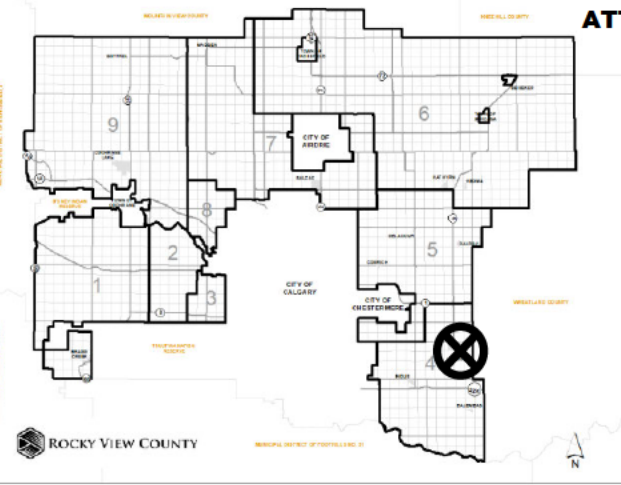
Jerry Gautreau, Chair

This is not a development permit

Location & Context

Development Proposal

Accessory building
 (existing shed), relaxation
 of the allowance within the
 side yard and relaxation of
 the minimum side yard
 setback requirement



Division: 4
 Roll: 03214159
 File: PRDP20203847
 Printed: December 22, 2020
 Legal: Lot: 8 Block: 7
 Plan: 0711240; within NE-14-
 23-27-W04M

Development Proposal

Development Proposal

Accessory building
(existing shed), relaxation
of the allowance within the
side yard and relaxation of
the minimum side yard
setback requirement

BOULDER CREEK CIRCLE SE

LANGDON

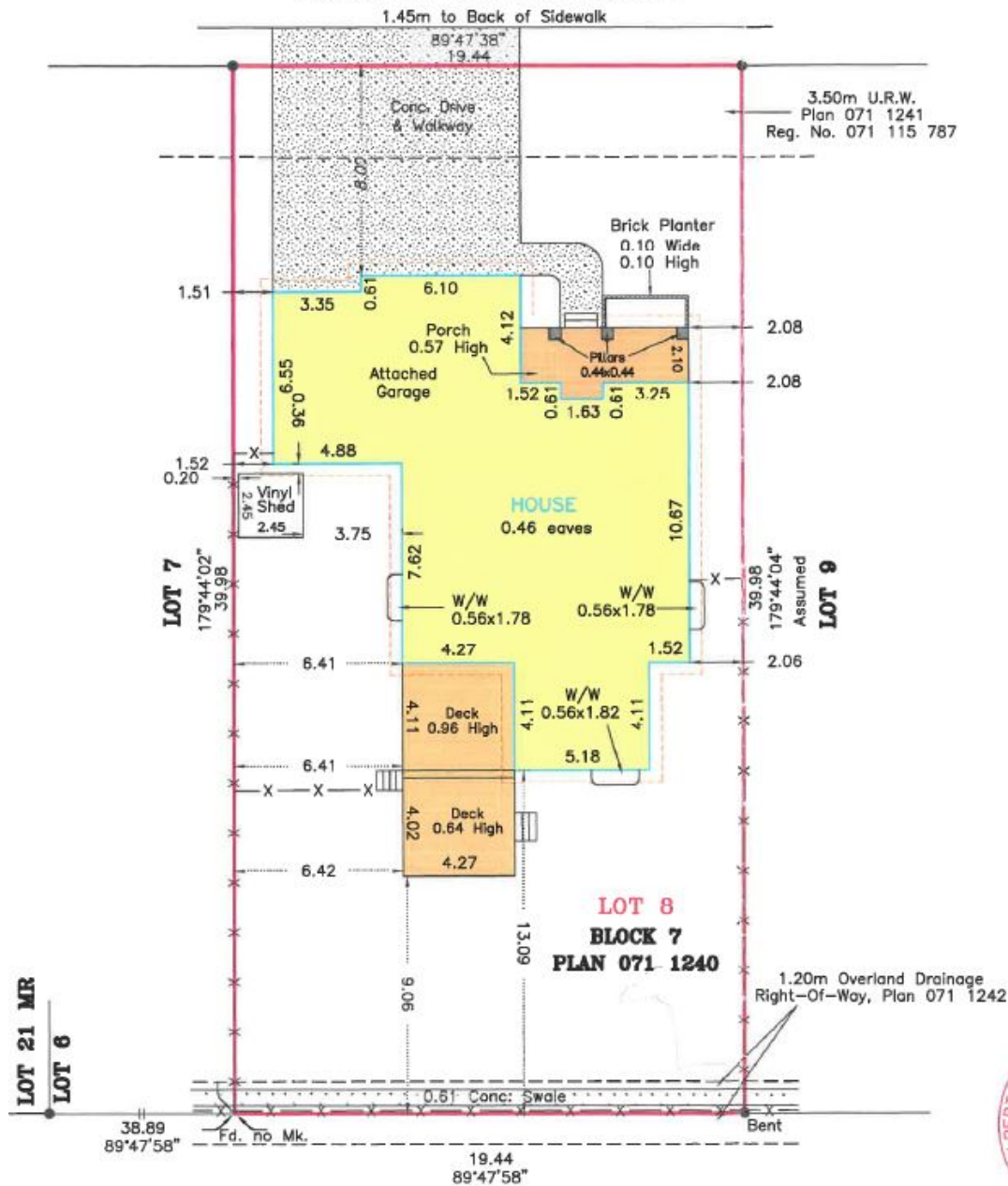


Division: 4
Roll: 03214159
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Printed: December 22, 2020
Legal: Lot: 8 Block: 7
Plan: 0711240; within NE-14-
23-27-W04M

Site Plan

Development Proposal

Accessory building (existing shed), relaxation of the allowance within the side yard and relaxation of the minimum side yard setback requirement



Division: 4
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 File: PRDP20203847
 Printed: December 22, 2020
 Legal: Lot:8 Block:7
 Plan:0711240; within NE-14-23-27-W04M

Site Photos

Development Proposal

Accessory building
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*Division: 4
Roll: 03214159
File: PRDP20203847
Printed: December 22, 2020
Legal: Lot:8 Block:7
Plan:0711240; within NE-14-
23-27-W04M*

**Landowner
Circulation
Area****Development Proposal**

Accessory building
(existing shed), relaxation
of the allowance within the
side yard and relaxation of
the minimum side yard
setback requirement

Appellant's property

BOULDER CREEK CIRCLE SE

0711240

BOULDER CREEKWAY SE

0715359

0610551

BOULDER CREEK DR SE

Legend

Support



Opposition



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.

Division: 4
Roll: 03214159
File: PRDP20203847
Printed: December 22, 2020
Legal: Lot: 8 Block: 7
Plan: 0711240; within NE-14-
23-27-W04M

