

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Development Authority	DIVISION: 6
DATE:	January 26, 2022	APPLICATION: PRDP20214902
FILE:	04332029	
SUBJECT:	Accessory Building and Single-lot Regrading / Discretionary Uses with Variances	

APPLICATION: Construction of an Accessory Building (oversize shop), relaxation of the maximum building height, relaxation of the maximum building area, relaxation of the maximum parcel coverage, and single lot regrading and placement of clean fill.

GENERAL LOCATION: Located approximately 0.20 kilometres (0.12 miles) west of Conrich Road and on the south side of Township Road 250.

LAND USE DESIGNATION: Residential, Country Residential District (R-CRD) under Land Use Bylaw C-8000-2020 (LUB).

EXECUTIVE SUMMARY: The application is for the construction of an Accessory Building (oversize shop), relaxation of the maximum building height, relaxation of the maximum building area, relaxation of the maximum parcel coverage, and single lot regrading and placement of clean fill. The Accessory Building would be approximately 197.32 sq. m (2,124.00 sq. ft.) in gross floor area and 8.38 m (27.50 ft.) in height. The shop would be used by the owners for storage of equipment, vehicles, and tractors for their needs and use on the parcel. The applicant is also proposing the placement of approximately 6,000.00 cubic meters of clean fill not exceeding 2.75 m (9.02 ft.) in grade change for the accessory building, to protect the proposed dwelling and accessory building from potential flooding hazard on the property and provide better site drainage. There are three variances being requested and the application appears to comply with Residential, Country Residential District (R-CRD) regulations and the LUB. This application coincides with a second application for the construction of a Dwelling, Single Detached including an Accessory Dwelling Unit (Basement Suite) and single lot regrading and placement of clean fill.

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

OPTIONS:

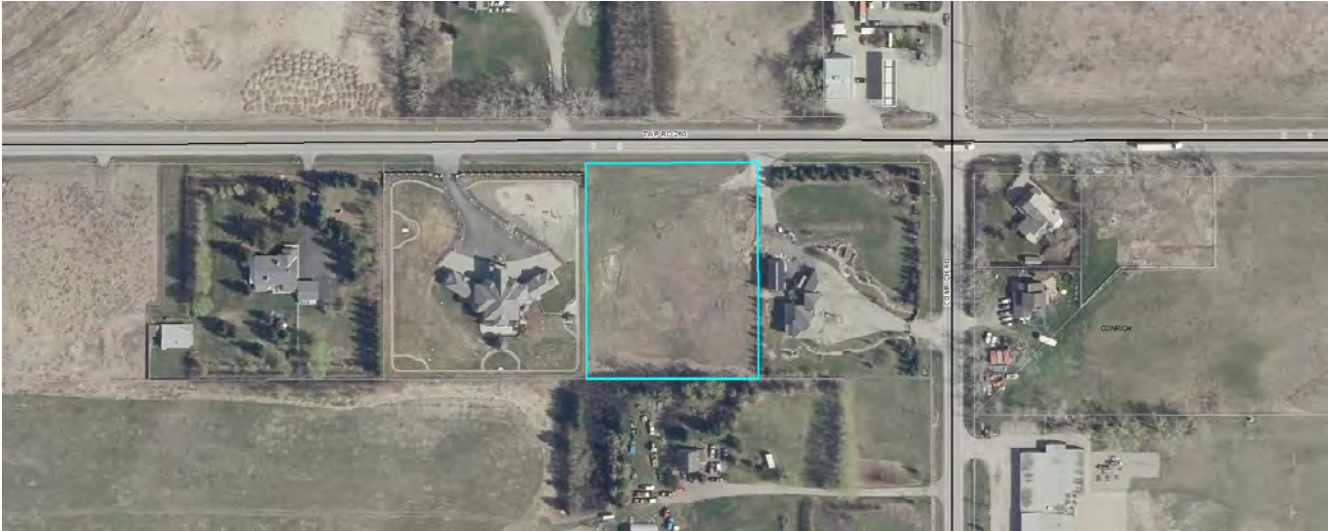
- Option #1: THAT Development Permit Application PRDP20214902 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20214902 be refused for the following reasons:
1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

Administration Resources

Bronwyn Culham, Planning & Development Services



AIR PHOTO & DEVELOPMENT CONTEXT:



VARIANCE SUMMARY:

Variance	Requirement	Proposed	Percentage (%)
Maximum Accessory Building Area	90.00 sq. m (968.75 sq. ft.)	197.32 sq. m (2,124.00 sq. ft.)	119.24%
Maximum Parcel Coverage	120.00 sq. m (1,291.67 sq. ft.)	197.32 sq. m (2,124.00 sq. ft.)	64.43%
Maximum Building Height	7.00 m (22.97 ft.)	8.38 m (27.50 ft)	19.71%

APPLICATION EVALUATION:

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

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Subdivision and Development Regulations; • Municipal Development Plan (County Plan); • City of Calgary Intermunicipal Development Plan; • City of Chestermere Notification Zone; • Conrich Area Structure Plan; • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Site Plan • Topographical Site Plan • Floor Plan • Elevations
DISCRETIONARY USES: <ul style="list-style-type: none"> • Accessory Building > 90 m² (968.75 ft²) is a discretionary use in the R-CRD District 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • Municipal Planning Commission



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| <ul style="list-style-type: none"> • Stripping and Grading is a discretionary use within the Land Use Bylaw | |
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Additional Review Considerations

The application was assessed in accordance with sections 324 to 330 and 157 to 158 of the LUB.

The Accessory Building would be approximately 197.32 sq. m (2,124.00 sq. ft.) in gross floor area and 8.38 m (27.50 ft.) in height.

The Applicant has also proposed to regrade the subject land, approximately \pm 2,500 sq. m (26, 909.78 sq. ft) in size. The parcel is approximately 2-3 meters lower than the paved municipal road (Township Road 250), which creates a potential flooding hazard. In the interest of protecting the proposed accessory building, lot regrading and hauling of fill is requested.

- Fill will be brought on site during winter or summer months
- The highest grade change the applicant is proposing is approximately 2.75 m (9.02 ft.) for the southwest corner of the accessory building. The average grade change is 2.50 m (8.20 ft.).
- It is anticipated that approximately 6,000 cubic meters of material will be brought on site. The applicant has noted this is approximately 100 truckloads.

Table 2(v) of the LUB allows the placement of clean fill up to 1.00 m (3.28 ft.) and the excavation of up to 2.00 m (6.56 ft.) adjacent to or within 15.00 m (49.21 ft.) of a building under construction that has an approved Building Permit does not require a development permit. As the placement of clean fill proposed with this application exceeds that requirement, development permit approval is required.

CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Dominic Kazmierczak”

“Brock Beach”

Manager
Planning

Acting Executive Director
Community Development Services

BC/lh

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 an accessory building (oversize storage shed) may be constructed on the subject land, in accordance with the site plan prepared by Innovative Design & Build, dated October 12, 2021, (project no. 21-001) and conditions noted herein:
 - i. That the maximum accessory building area is relaxed from **90.00 sq. m (968.75 sq. ft.) to 197.32 sq. m (2,124.00 sq. ft.)**
 - ii. That the maximum accessory building parcel coverage relaxed from **120.00 sq. m (1,291.67 sq. ft.) to 197.32 sq. m (2,124.00 sq. ft.)**
 - iii. That the maximum building height is relaxed from **7.00 m (22.97 ft.) to 8.38 m (27.50 ft.)**
2. That single-lot regrading and the placement of clean fill shall be permitted in accordance with the drawings submitted and the application details and includes:
 - i. Total area of approximately \pm 2,500 sq. m (26,909.78 sq. ft) and placement of approximately 6,000 cubic meters of clean fill not exceeding 2.75 m (9.02 ft.) in grade change.

Prior to Release

3. That prior to release of this permit, PRDP20214886 shall be issued.
4. That prior to release of this permit, the Applicant/Owner shall submit a construction management plan addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, erosion and weed control, construction practices, waste management, evacuation plan, hazardous material containment and all other relevant construction management details, in accordance with the County's Servicing Standards.
5. That prior to release of this permit, the Applicant/Owner shall submit a Deep Fills Report conducted by a professional geotechnical engineer for all areas of fill greater than 1.20 m (3.93 ft.) in depth, in accordance with the County's Servicing Standards.
6. That prior to release of this permit, 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.
 - i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.
7. That prior to release of this permit, the Applicant/Owner shall submit a Site-Specific Stormwater Plan (SSIP) conducted by a professional engineer that provides recommendations on managing stormwater flows that is in accordance with the Shepard Regional Drainage Plan. The SSIP shall include a grading plan that delineates the proposed area to be graded and identifies pre-development and post-development grades and determines any measures required to mitigate impacts to adjacent properties.
 - i. The SSIP shall consider the impacts from the construction of a dwelling and ADU from a separate DP application PRDP20214886 for the same site.



8. That prior to release of this permit, the Applicant/Owner shall submit a detailed Erosion and Sedimentation Control Plan, prepared by a qualified professional, in accordance with the County's Servicing Standards and best management practices, to the satisfaction of the County.

Permanent:

9. That the Applicant/Owner shall submit compaction testing verifying that the fill areas greater than 1.20 m (3.93 ft.) in depth were placed in accordance with the Deep Fills report accepted by the County.
10. That it shall be the responsibility of the Applicant/Owners to ensure that any fill placed onsite has been placed in a safe manner that does not cause slope stability issues, slumping, or any other related safety issues.
11. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
12. That the Applicant/Owners shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
13. That any material entering into or leaving from the site, shall be hauled on/off in a covered trailer/truck, which will prevent blowing of dust/small rocks onto the road or cause issues with other vehicles on the road.
 - i. That the clean-up of any mud tracking and/or dirt that enters onto adjacent Highway and/or County roads during hauling shall be the responsibility and cost of the Applicant/Owner for clean-up.
14. That during lot regrading and placement of fill, the Applicant/Owner shall not direct any additional overland surface drainage into the County's road right-of-way of Twp Rd 250 nor negatively impact existing ditch drainage patterns in County's road right-of-way of Twp Rd 250.
15. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands or road infrastructure from drainage alteration.
16. That the subject land shall be maintained in a clean and tidy manner at all times, and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.
17. That no topsoil shall be removed from the subject property.
18. That the accessory building shall not be used for residential occupancy or commercial purposes at any time unless approved through a Development Permit.
19. That the exterior siding and roofing materials of the accessory building shall be similar to the existing dwelling, single-detached and/or area.
20. That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
21. That any undeveloped graded areas shall have a minimum of six inches of topsoil placed on top, which shall then be spread and landscaped, to the satisfaction of the County.
22. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application, in response to a Prior to Release or Occupancy condition, shall be implemented and adhered to in perpetuity.

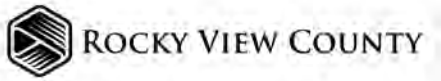


23. That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
24. That if this Development Permit is not issued by **August 31, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Advisory:

- That should the Applicant/Owner intend to improve the mutual approach to Township Road 250, they shall contact County Road Operations.
- 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.
- That the subject development shall conform to the County's Noise Bylaw C-8067-2020, in perpetuity.
- That the site shall remain free of restricted and noxious weeds and be maintained in accordance with the Alberta Weed Control Act [*Statutes of Alberta, 2008 Chapter W-5.1; Current as of December 15, 2017*].
- That a Building Permit and sub-trade permits for the accessory building shall be obtained through Building Services, prior to any construction taking place.
- 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*.



ATTACHMENT 'B': MAPS AND OTHER INFORMATION

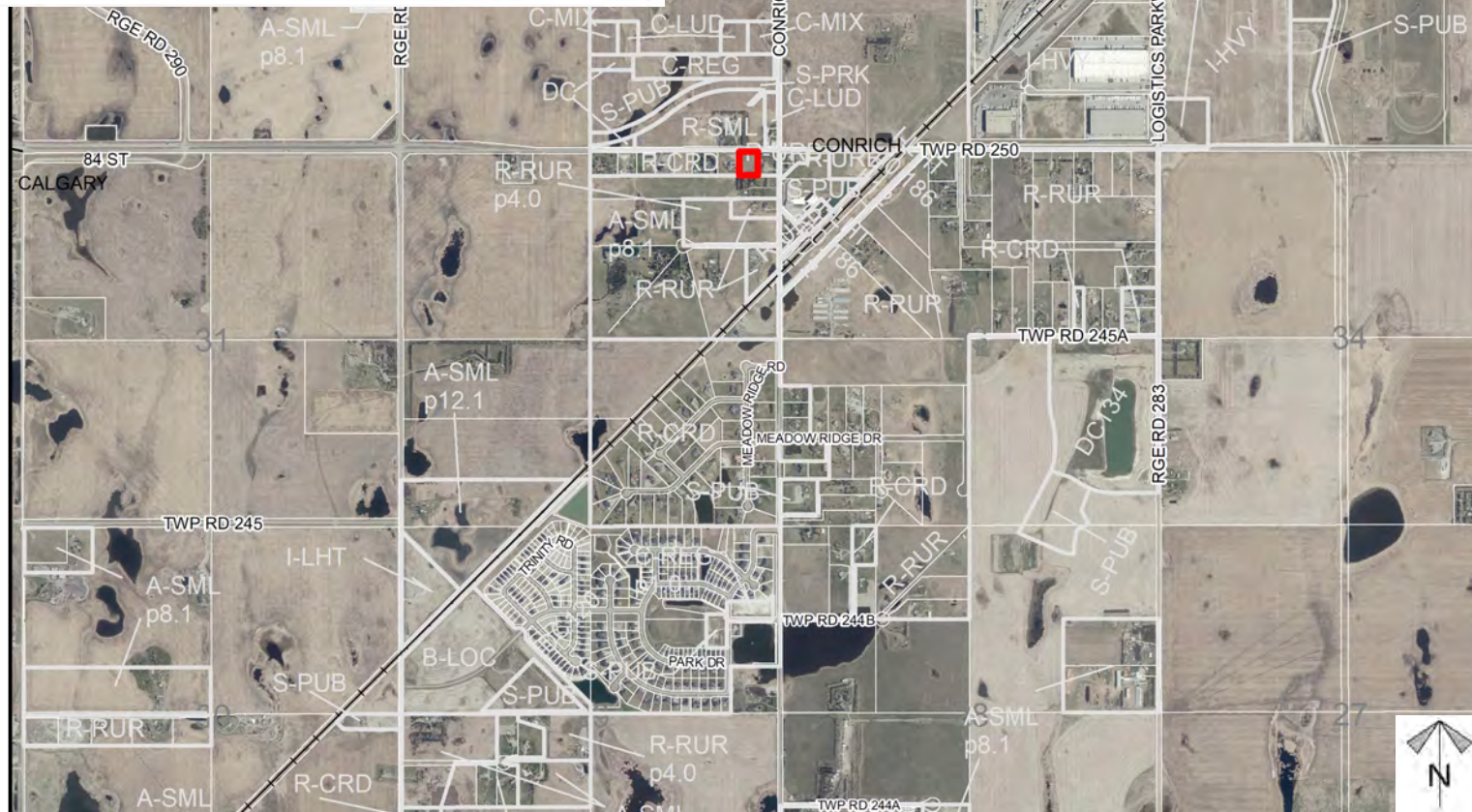
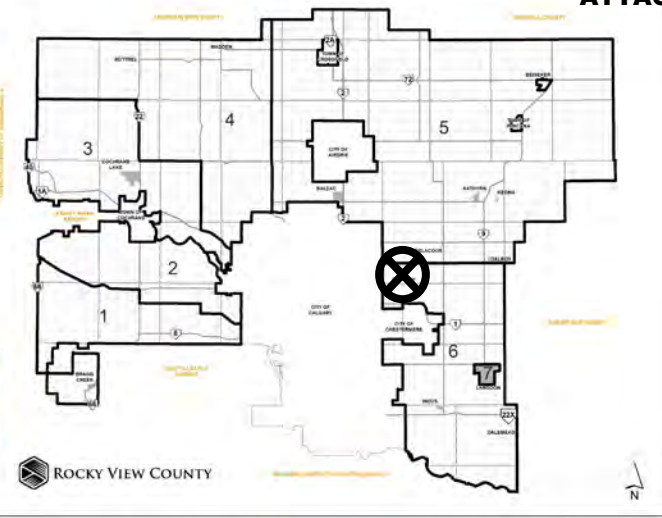
APPLICANT: Innovative Design & Build Inc.	OWNER: Gill, Kulwinder S & Amandeep K
DATE APPLICATION RECEIVED: October 13, 2021	DATE DEEMED COMPLETE: November 23, 2021
GROSS AREA: ± 0.80 hectares (± 2.00 acres)	LEGAL DESCRIPTION: Lot 7 Block Plan 0112905, NE-32-24-28-W04M; (284023 TWP RD 250)
APPEAL BOARD: Subdivision and Development Appeal Board	
HISTORY: <p>Building Permit (PRBD2016412) Pre App Meeting for Construction of New SFD - Pre-Application Closed.</p> <p>Development Permit (PRDP20214886) Construction of a Dwelling, Single Detached including an Accessory Dwelling Unit (Basement Suite) and single lot regrading and placement of clean fill - On same MPC date.</p>	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was also circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	



Location & Context

Development Proposal

Construction of an Accessory Building (oversize shop), relaxation of the maximum building height, relaxation of the maximum building area, relaxation of the maximum parcel coverage, and single-lot regrading and placement of clean fill



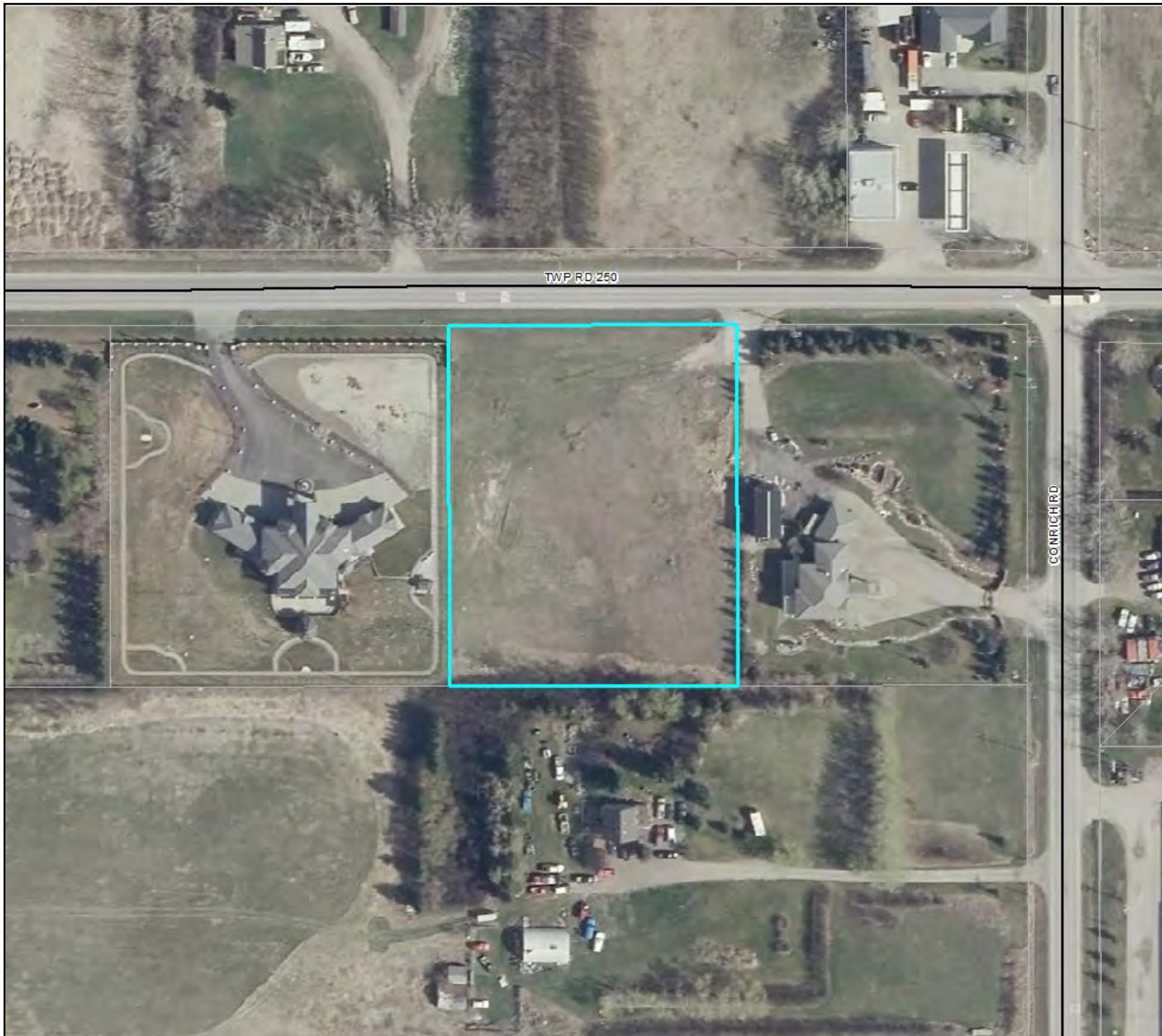
Division: 6
Roll: 04332029
File: PRDP20214902
Printed: Nov 4, 2021
Legal: Lot:7 Plan:0112905
within NE-32-24-28-W04M



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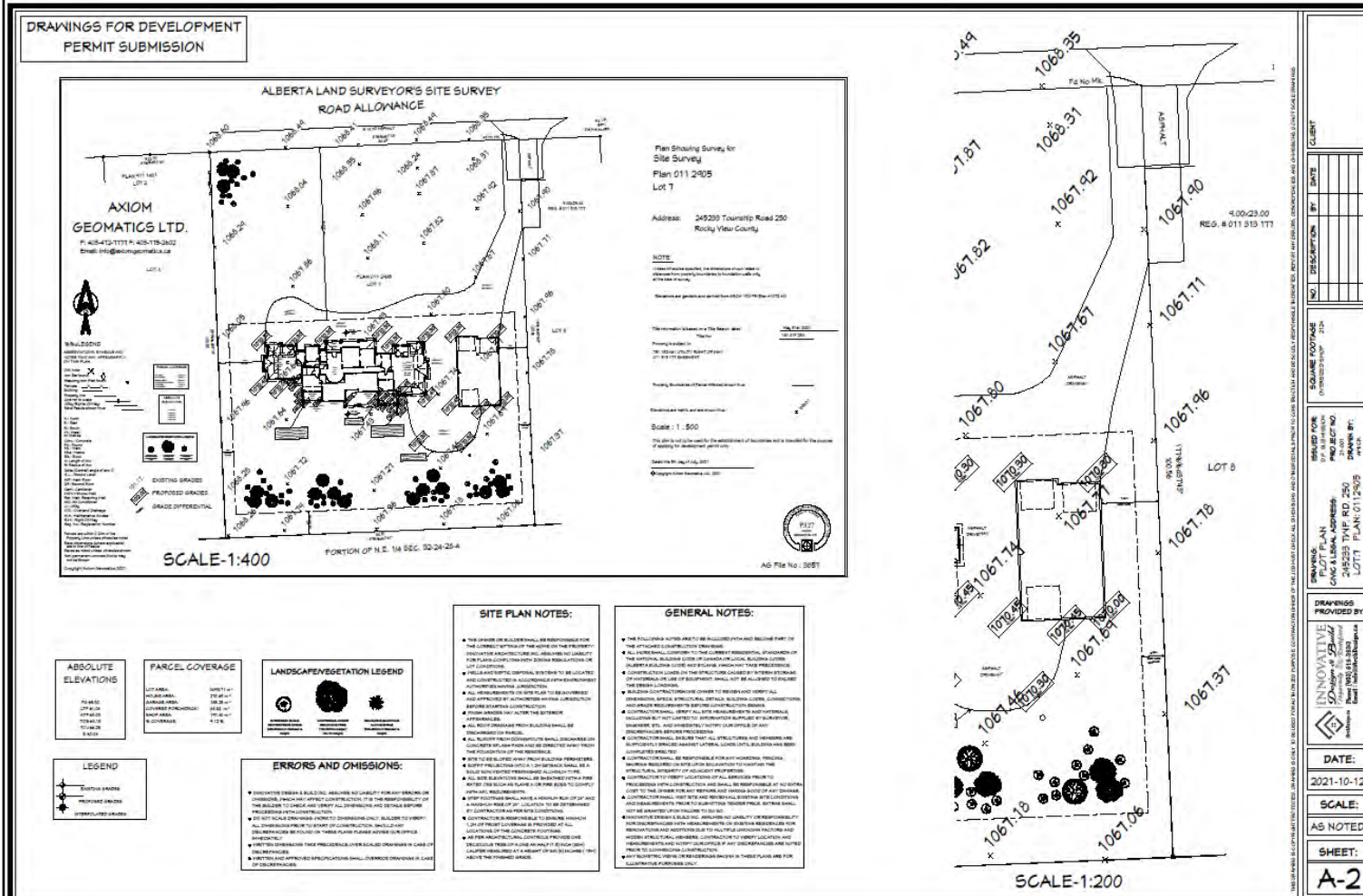


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Site Plan

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Floor Plan

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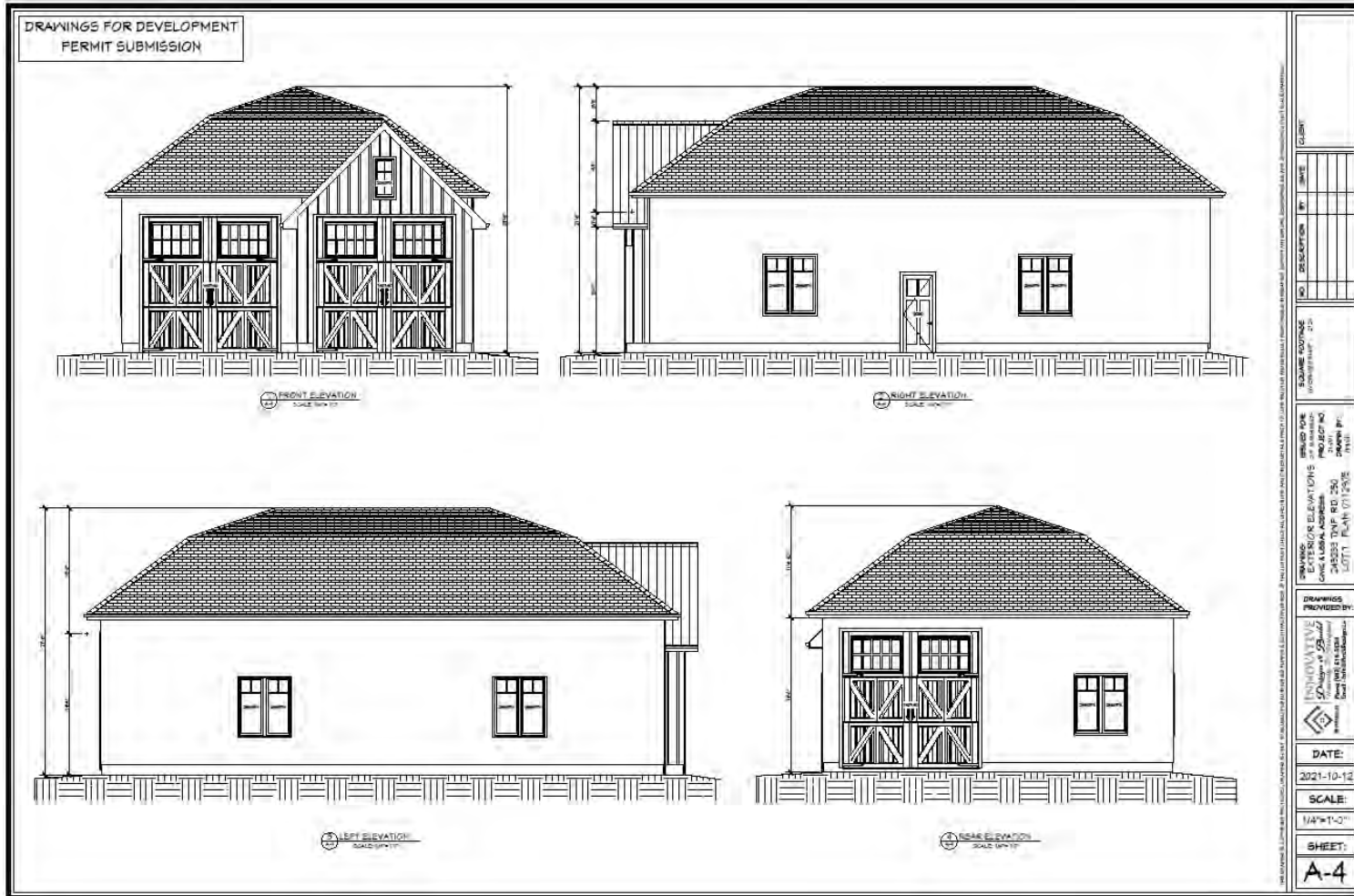
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Elevations

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Inspection Photos
January 13, 2022



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