

PLANNING AND DEVELOPMENT SERVICES

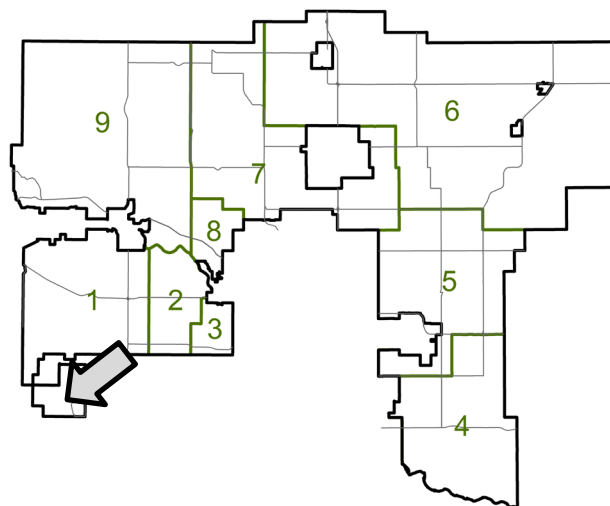
TO: Municipal Planning Commission **DATE:** November 12, 2020
DIVISION: 1 **APPLICATION:** PRDP20202887
SUBJECT: Development Item: Dwelling, Single Detached (deck)
USE: Permitted use, with Variances

APPLICATION: dwelling, single detached (existing), relaxation of the minimum rear yard setback requirement.

GENERAL LOCATION: located approximately 1.21 km (3/4 m) west of Rge. Rd. 54 and 0.20 km (1/8 m) north of Twp. Rd. 232.

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

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



VARIANCE SUMMARY:

<i>Applicable Requirements</i>	<i>Required</i>	<i>Proposed</i>	<i>% Relaxation Required</i>
Rear yard setback	6.00 m (19.68 ft.)	3.90 m (12.79 ft.)	35.00 %

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20202887 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit PRDP20202887 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:



 Subject Property

Administration Resources

Evan Neilson, Planning and Development Services

DEVELOPMENT PERMIT REPORT

Application Date: Sept 22, 2020	File: 03917017
Application: PRDP20202887	Applicant/Owner: Conrad Schiebel
Legal Description: Block: 7, Plan: 8410246 (181 Hawkeye Road)	General Location: Located approximately 1.21 km (3/4) west of Rge. Rd. 54 and 0.20 km (1/8 m) north of Twp. Rd. 232
Land Use Designation: Residential, Country Residential District (R-CRD) under Land Use Bylaw C-8000-2020.	Gross Area: ± 0.81 hectares (± 2.13 acres)
File Manager: Evan Neilsen	Division: 1

PROPOSAL:

This proposal is for the expansion of an existing deck into the required rear yard setback of the parcel.

Note, this application was assessed in accordance with Land Use Bylaw C-8000-2020

The parcel contains a single detached dwelling and is located west of the hamlet of Bragg Creek approximately 0.81 km (1/2 mi) from the border of Kananaskis Improvement District # 5. There is an existing deck, with the application requesting to construct deck additions, totaling approximately 55.74 sq. m. (607.73 sq. ft.) in area. Portions of the deck(s) would encroach 2.10 m (6.88 ft.) into the required 6.00 m (19.68 ft.) rear yard setback – which requires a 35.00 % relaxation.

Applicable Requirements	Required	Proposed	% Relaxation Required
<i>Rear yard setback requirement</i>	<i>6.00 m (19.68 ft.)</i>	<i>3.90 m (12.79 ft.)</i>	<i>35.00 %</i>

Section 186 EXTENSIONS INTO YARDS

- *The following items are permitted to extend into any rear or side yard: Cantilever extensions up to 0.6 m (1.97 ft.) in length, and Decks and patios that are greater than 0.61 m (2.00 ft.) in height shall not extend further than 2.00 m (6.56 ft.) and the resulting required minimum rear or side yard shall not be less than 1.20 m (3.94 ft.).*
 - As the proposed setback is greater than 2.00 m (6.56 ft.) into the allowable extension, a Development Permit is required.

STATUTORY PLANS:

- **Greater Bragg Creek Area Structure Plan (GBCASP)**
 - There are no policies that address residential renovations for existing dwellings. The GBCASP Hamlet Design guidelines are not applicable to parcels outside of the Hamlet core.

**INSPECTOR'S COMMENTS:**

Inspection Date: October 1, 2020

- Neat & Tidy
- Very well-screened.
- No concerns at time of inspection.

CIRCULATIONS:

- **RVC Building Services:** If the existing structure has been legally built and permitted, Building services has no comments. For the expansion onto the existing deck, the below listed will apply-
 - a) Advisory condition- Applicant is required to submit a Building permit application prior to the any deck construction taking place.
 - b) The attached link below includes the checklist for a deck application.-
https://www.rockyview.ca/Portals/0/Files/BuildingPlanning/Building/checklists/Decks_Checklist.pdf
 - c) Construction drawings and related documents referenced in the above checklist shall be provided for a BP submission.
- **Development Compliance:** Development Compliance has no comments or concerns with respect to the attached application.
- **Infrastructure and Operations:** No response at time of report writing.
- **Kananaskis Improvement District # 5:** We have no concerns but would like to comment that we require any structures within the KID to be FireSmart compliant and would encourage the applicant of any development near the boundary, particularly in a forested area, to familiarize themselves with the [FireSmartCanada.ca](https://firesmartcanada.ca) website and consider aligning their proposal with FireSmart principles. Instruction related to home construction, including decks & porches: <https://firesmartcanada.ca/homeowners/getting-firesmart/home-construction/>

OPTIONS:

Option #1: (this would allow the proposed development)

APPROVAL, subject to the following conditions:

Description:

1. That the proposed deck extensions, to the existing dwelling, single detached, may be constructed in accordance with the approved site plan submitted October 1, 2020.
 - i. That the total building area of the deck(s) are increased from 26.01 sq. m (279.96 sq. ft.) to **55.74 sq. m. (607.73 sq. ft.)**.
2. That the minimum rear yard setback requirement for the deck is relaxed from **6.00 m (19.68 ft.)** to **3.90 m (12.79 ft.)**.

Permanent:

3. That during construction, all construction and building materials shall be maintained onsite, in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed at an approved disposal facility.



4. That the Applicant/Owner shall take effective measures to control dust on the property so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity of the area.

Advisory:

5. That a Building Permit(s) shall be obtained through Building Services, prior to any construction taking place.
6. That all materials used for the construction of the deck addition be compliant with FireSmart recommendations
7. That any other government permit approvals or compliances are the sole responsibility of the Applicant/Owner.
8. That if the development authorized by this Development Permit is not commenced with reasonable diligence within twelve (12) months from the date of issue, and completed within twenty-four (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.

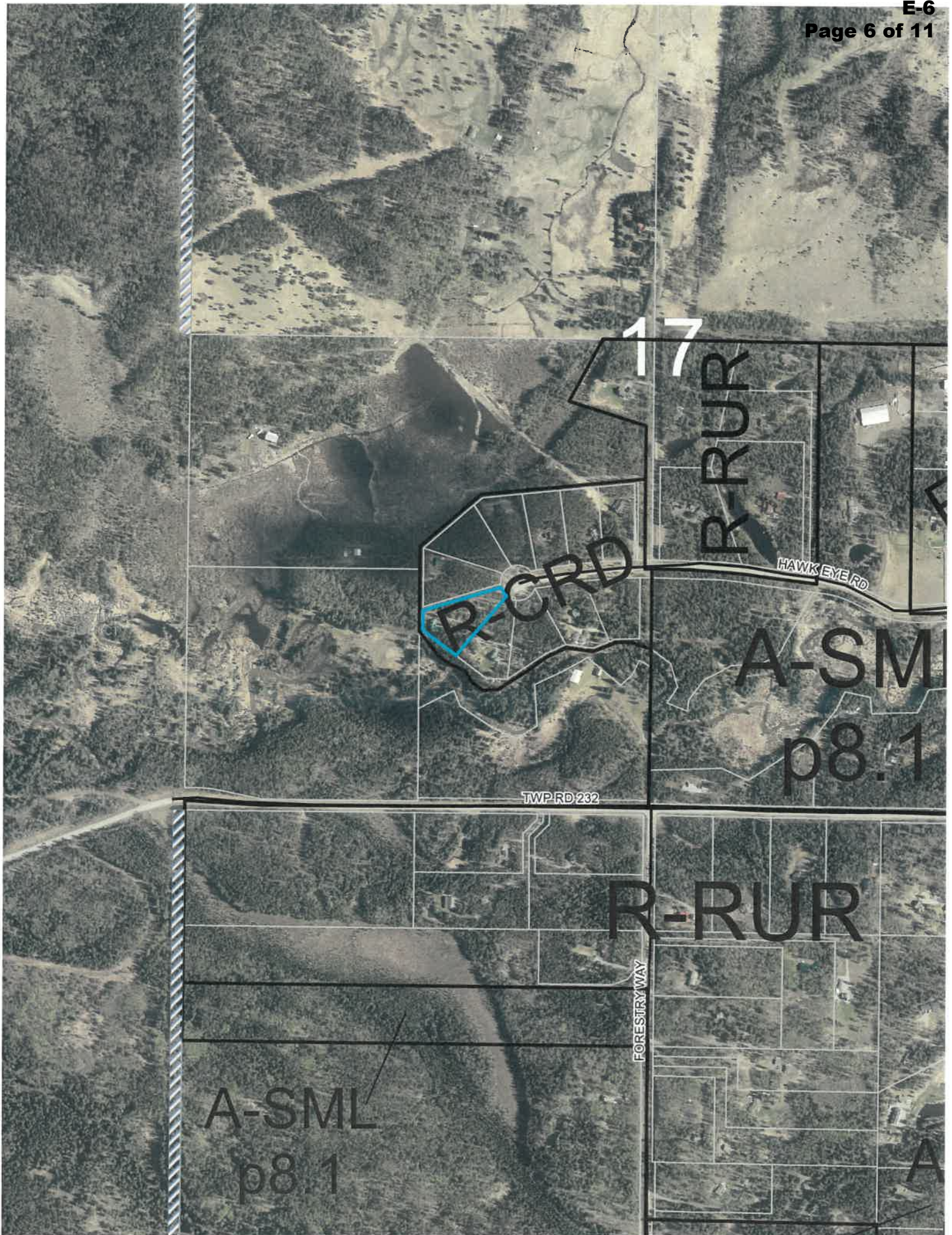
Option #2: (this would not allow the proposed development)

REFUSAL, for the following reasons:

1. That the proposed development does not meet the minimum required rear setback, for the Residential, Country District (R-CRD) district as defined in Section 330 of the Land Use Bylaw C-8000-2020:

Required: 6.00 m (19.69 ft.)
Proposed: 3.90 m (12.79 ft.)
2. 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.







ROCKY VIEW COUNTY

DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY

APPLICATION NO.

20202887

ROLL NO.

039/7017

RENEWAL OF

PRDP 20182264

FEES PAID

\$330.00

DATE OF RECEIPT

Sept 22, 2020

APPLICANT/OWNER

Applicant Name: CONRAD SCHIEBEL

Email:

Business/Organization Name (if applicable):

Mailing Address:

Telephone (Primary):

Alternative:

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

Business/Organization Name (if applicable):

Mailing Address:

Postal Code:

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): Block: 7 Plan: 841 0246 Parcel Size (ac/ha): 2.13 ac

Municipal Address: 181 Hawk Eye Road Land Use District:

APPLICATION FOR - List use and scope of work

Deck Easement

Variance Rationale included: ☒ YES ☐ NO ☐ N/ADP 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: <https://extmapviewer.aer.ca/AERAbandonedWells/Index.html>)
- d. Subject site has direct access to a developed Municipal Road (accessible public roadway) ☒ YES ☐ NO

AUTHORIZATION

I, Conrad Schiebel (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 _____

Landowner Signature

Conrad SchiebelDate Sept. 20/20

Conrad and Nicola Schiebel



September 20, 2020

Rocky View County
Planning and Development Board
262075 Rocky View Point,
Rocky View County, AB.
T4A 0X2

Re: Re-application for denied deck expansion at 181 Hawkeye Road

Dear Review Board Members,

Please find attached our re-application for a deck expansion to our private residence in West Bragg Creek. The initial expansion request was submitted by our contractor, Peter Haar on June 13, 2018. This application was denied for the reason that the deck encroached on the property line shared with the Municipal Reserve(MR) by over 20% of the allowable limit. The file number is 03917017.

Our justifications for requesting a relaxation of this easement allowance are as follows:

- 1). It allows us to slightly enlarge the existing deck to provide more usable and more easily accessible space.
- 2). It would accommodate more covered outside living space beneath it.
- 3). The planned stairway would provide another emergency egress route from the main level of the house and would allow access to the deck without going through the house.

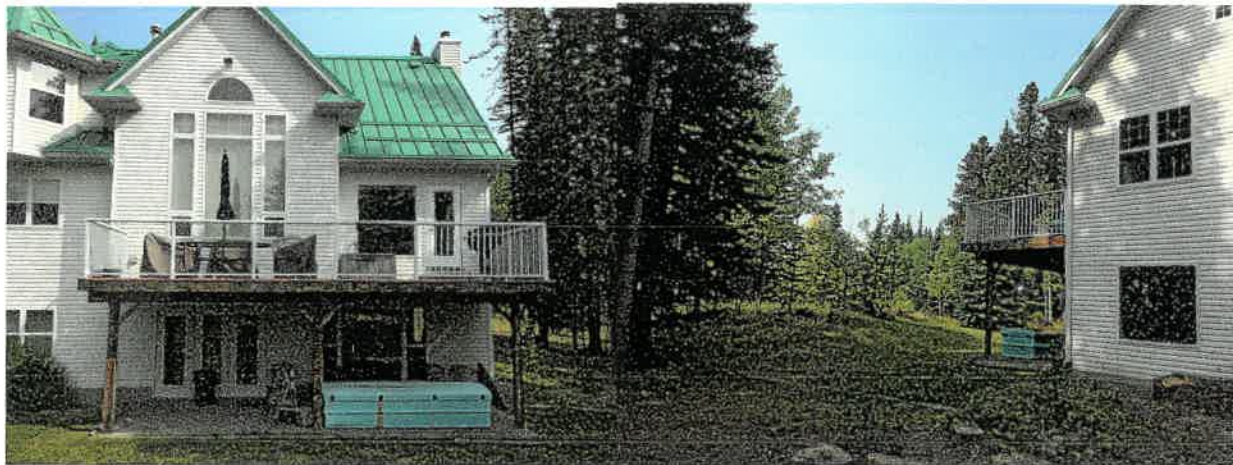
The south property boundary adjacent to the proposed site contains a low berm that separates the yard from the Bragg Creek lowlands running beneath the property in the MR. During the flood of 2013, our property was not compromised by the high waters in the lowlands so bank stability concerns are not an issue. The MR lands below us are not easily accessible so impacts to public use are negligible.

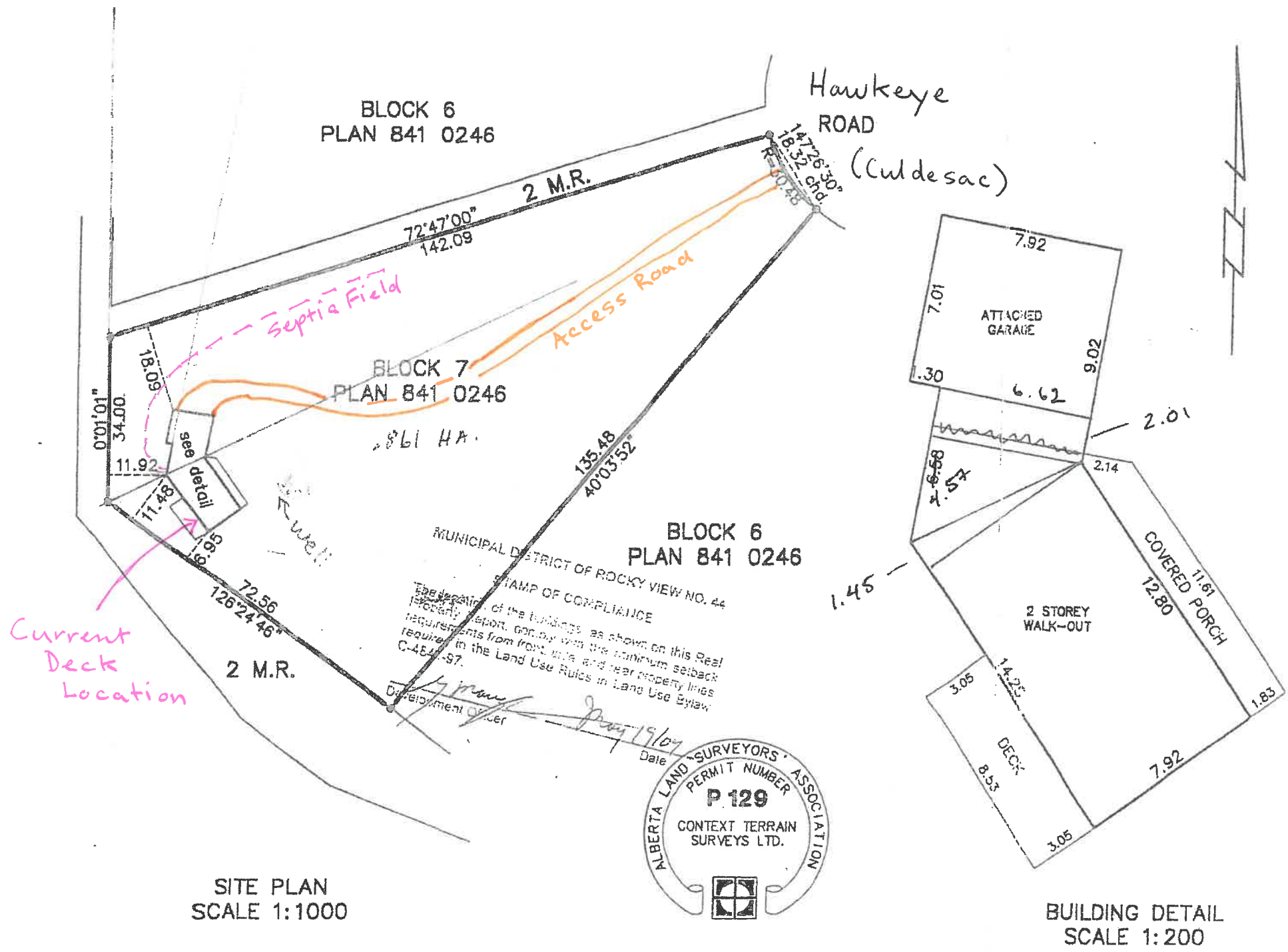
Sincerely,

Handwritten signatures of Conrad and Nicola Schiebel in cursive script.

Conrad and Nicola Schiebel

**Development Permit Application - Deck Expansion at 181
Hawkeye Road (Schiebel Property)**





Total deck area = $26 + 29.7 = 55.7$ (not including stairs)

