

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission

DIVISION: 9

SUBJECT: Development Item: Accessory Buildings

USE: Permitted use, with Variances

DATE: November 12, 2020

APPLICATION: PRDP20202832

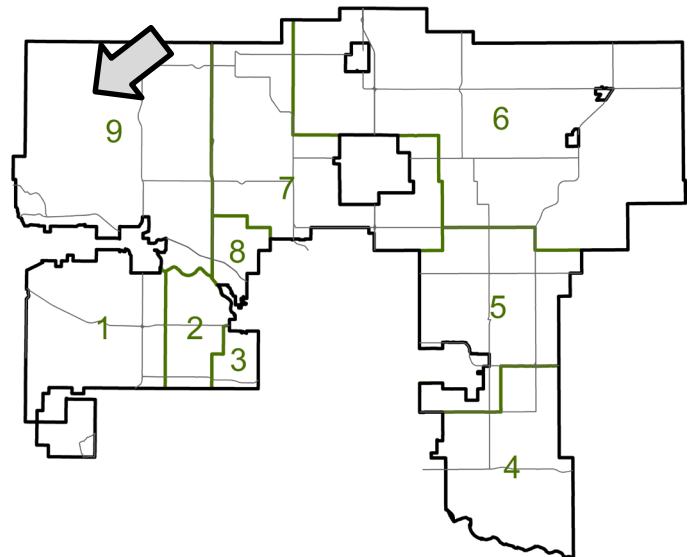
APPLICATION: accessory building (existing shop/garage, two sheds), relaxation of the minimum front yard setback requirement

GENERAL LOCATION: Located approximately 1.61 km (1 mile) west of Horse Creek Road and on the south side of Twp. Rd. 283

LAND USE DESIGNATION: Agricultural, General District (A-GEN) under Land Use Bylaw C-8000-2020.

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

VARIANCE SUMMARY:

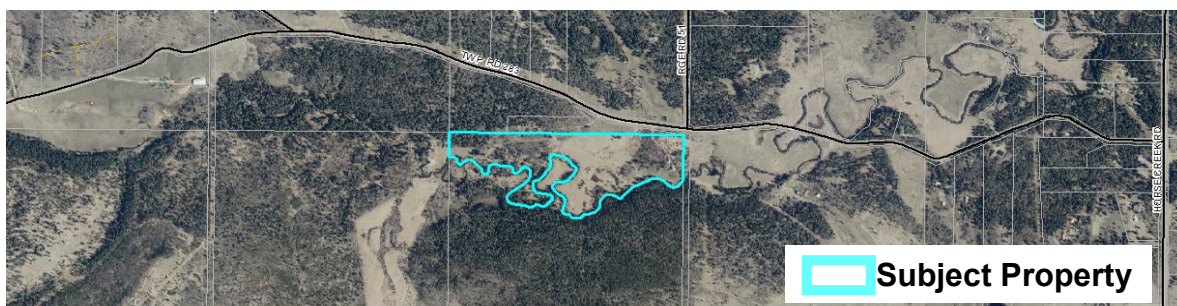


Variance	Requirement	Proposed	Percentage (%)
Front Yard Setback (Shop/garage)	45.00 m (147.63 ft.)	34.35 m (112.70 ft.)	23.67%
Front Yard Setback (Shed 3)	45.00 m (147.63 ft.)	24.16 m (79.27 ft.)	46.31%
Front Yard Setback (Shed 4)	45.00 m (147.63 ft.)	44.56 m (146.19 ft.)	0.98%

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20202832 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20202832 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Oksana Newmen - Planning and Development Services



DEVELOPMENT PERMIT REPORT

Application Date: September 18, 2020	File: 08914005
Application: PRDP20202832	Applicant/Owner: Keith and Sandra Logan
Legal Description: NE-14-28-05-W05M	General Location: Located approximately 1.61 km (1 mile) west of Horse Creek Road and on the south side of Twp. Rd. 283
Land Use Designation: Agricultural, General District (A-GEN) under Land Use Bylaw C-8000-2020	Gross Area: ± 14.08 hectares (± 34.8 acres)
File Manager: Oksana Newmen	Division: 9

PROPOSAL:

The proposal is for existing accessory buildings that require a relaxation to the minimum front yard setback requirement.. *Note, this application was assessed in accordance with Land Use Bylaw C-8000-2020.*

There are a total of six buildings on the parcel:

- Dwelling, single detached
- Accessory Building (shop/garage)
- Accessory Buildings – four sheds of varying size; sheds 1 through 4

A Real Property Report was submitted for a Certificate of Compliance and it was noted that three accessory buildings (the garage/shop, shed 3, and shed 4) did not meet the minimum front yard setback requirement. The buildings do fall under the permitted use size for the Agricultural, General District size of ≤930.00 m² (10,010.40 ft²). Sheds 1 and 2 meet the district requirements. The Applicant has indicated the sheds pre-date the dwelling and shop/garage, possibly being built in the 1940s. Should this be the case, they would pre-date the requirement for development permits, and would be legally non-conforming.

Both the existing dwelling, single detached and accessory building (shop/garage) were built in 1987 and 1986 respectively, have building permits, and an approved relaxation was granted to the dwelling for riparian setbacks (DP-2689-87) and construction of the shop/garage (DP-2591-86).

All of the buildings on site existed prior to floodplain regulations coming into effect, and as such are legal non-conforming. Relaxations pertaining to riparian setbacks are not required.

Land Use Bylaw (C-8000-2020):

The following sections are relevant to the development.

Requirements: Accessory Building (Shop/garage)				
Section	Regulation	Required	Proposed	Variance
304	Permitted Uses	≤930.00 m ² (10,010.40 ft ²)	190.39 m ² (2,049.34 ft ²)	-

308	Front Yard (from County Roads)	45.00 m (147.64 ft.)	34.35 m (112.70 ft.)	23.67%
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Requirements: Accessory Building (Shed 3)				
Section	Regulation	Required	Proposed	Variance
304	Permitted Uses	≤930.00 m ² (10,010.40 ft ²)	17.74 m ² (191.00 ft ²)	-
308	Front Yard (from County Roads)	45.00 m (147.64 ft.)	24.16 m (79.27 ft.)	46.31%

Requirements: Accessory Building (Shed 4)				
Section	Regulation	Required	Proposed	Variance
304	Permitted Uses	≤930 m ² (10,010.40 ft ²)	2.36 m ² (25.36 ft ²)	-
308	Front Yard (from County Roads)	45.00 m (147.64 ft.)	44.56 m (146.19 ft.)	0.98%

- The accessory buildings comply with all other district requirements

STATUTORY PLANS:

The subject property is not located within an Area Structure Plan or Conceptual Scheme. As such, this application was evaluated in accordance with the Land Use Bylaw.

INSPECTOR'S COMMENTS:

Inspection: September 30, 2020

- Parcel is neat & tidy
- Buildings have been in place for some time
- No concerns at time of inspection

CIRCULATIONS:

Building Services Review (September 30, 2020)

- There are no comments from Building Services as it appears the DP strictly involves setback relaxations only. Provided, the existing structures were constructed and permitted at time of construction.
- If the application implies information contrary to the aforementioned, let me know your thoughts.

Development Compliance Officer Review (September 24, 2020)

- Development Compliance has no comments or concerns related to the attached application.

Utility Services

- No comments received.

Transportation Services

- No comments received.

OPTIONS:

Option #1 (this would allow the proposed development [three accessory buildings] to remain)

APPROVAL, subject to the following conditions:

Description:

1. That the accessory buildings (shop/garage and sheds), may remain on the subject parcel, in accordance with the with Real Property Report prepared by Jones Geomatics Ltd., dated July 15, 2020.
 - i. That the minimum front yard setback requirement for the accessory building (existing shop/garage), shall be relaxed from **45.00 m (147.64 ft.) to 34.35 m (112.70 ft.)**.
 - ii. That the minimum front yard setback requirement for the accessory building (shed 3), shall be relaxed from **45.00 m (147.64 ft.) to 24.16 m (79.27 ft.)**.
 - iii. That the minimum front yard setback requirement for the accessory building (shed 4), shall be relaxed from **45.00 m (147.64 ft.) to 44.56 m (146.19 ft.)**.

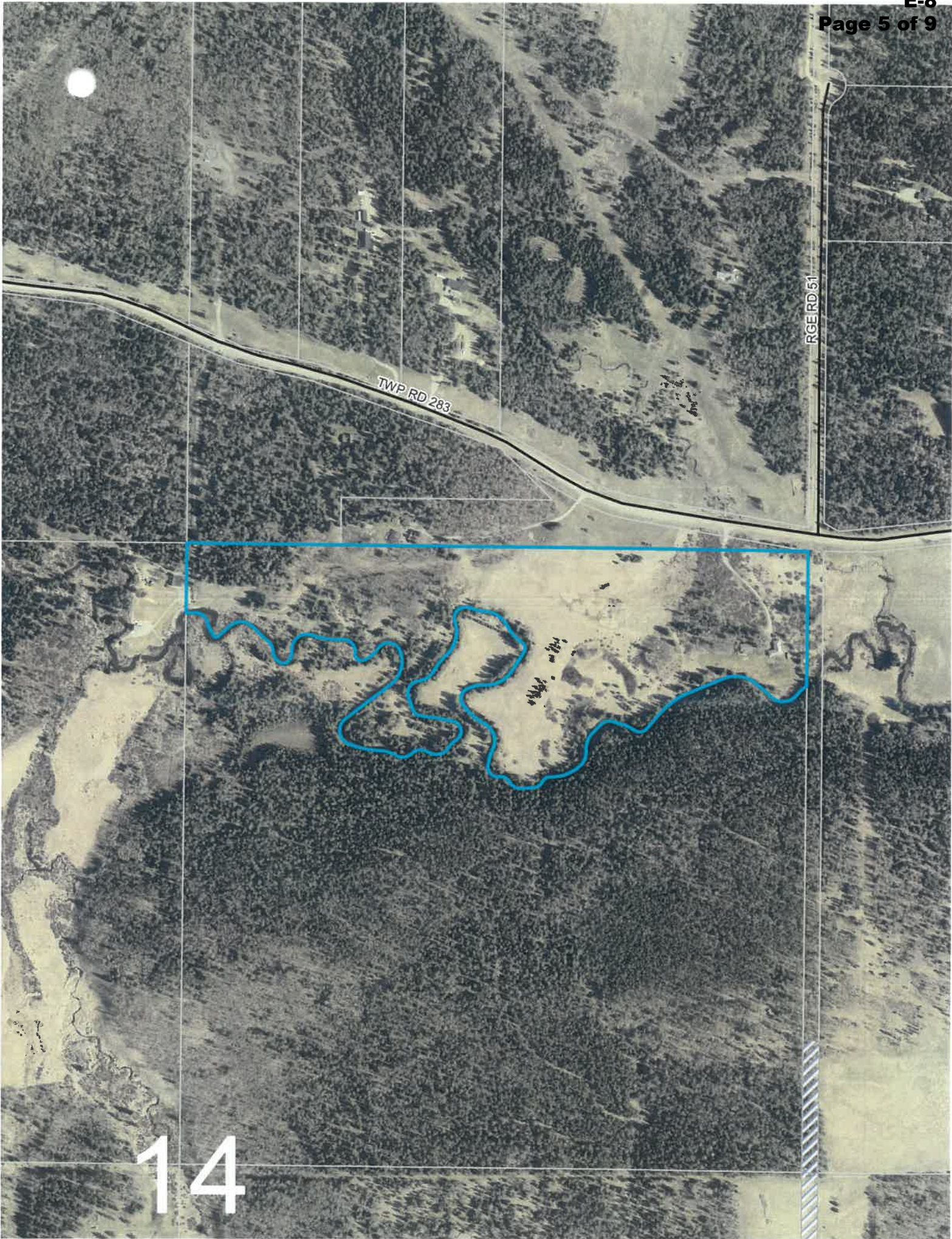
Advisory:

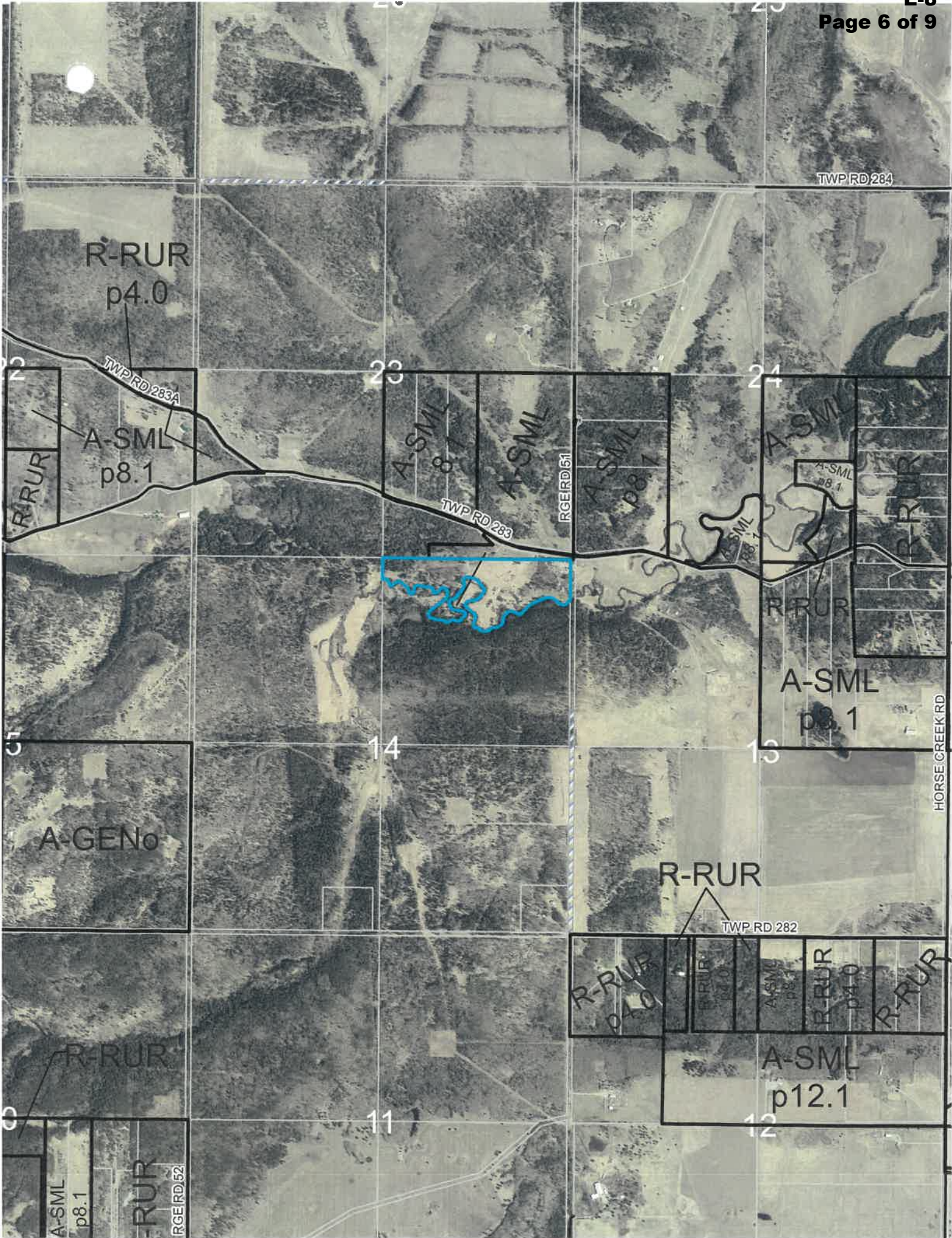
2. That any over government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

Option #2 (this would not allow the proposed development [three accessory buildings] to remain)

REFUSAL, 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.







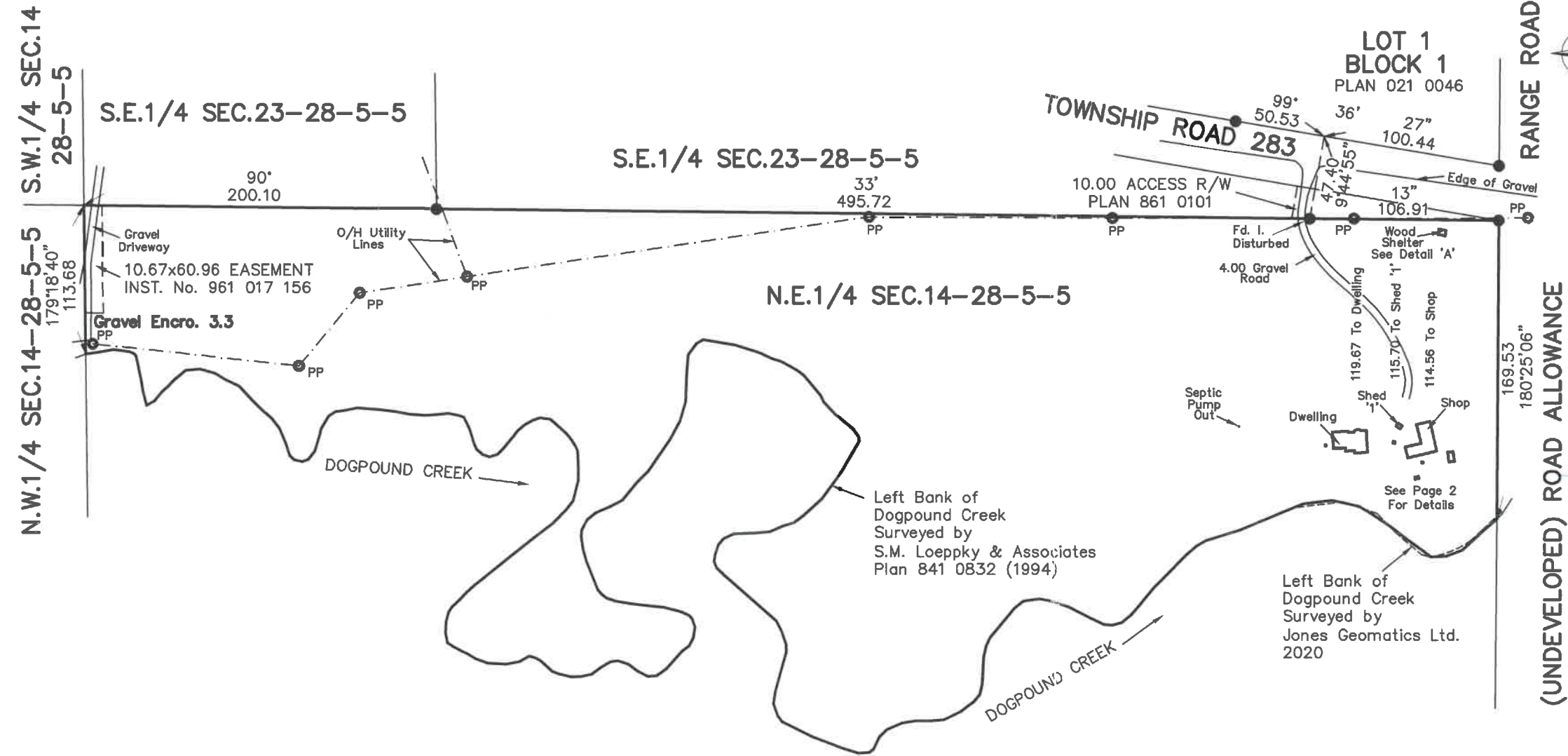
ROCKY VIEW COUNTY
Cultivating Communities

DEVELOPMENT PERMIT APPLICATION FORM

FOR OFFICE USE ONLY	
APPLICATION NO.	20202832
RENEWAL TO	
ROLL NO.	08914005
DATE OF RECEIPT	Sept 18, 2020
FEES PAID	\$280.00

APPLICANT/ OWNER	
Applicant Name: <u>KEITH & SANDRA LOGAN</u>	Email: [REDACTED]
Business/ Organization Name (if applicable):	
Mailing Address: [REDACTED]	
Telephone (Primary): [REDACTED]	
Landowner Name(s) per title (if not applicant): <u>same</u>	
Business/ Organization Name (if applicable):	
Mailing Address: <u>sand</u>	Postal Code:
Telephone (Primary): [REDACTED]	
LEGAL LAND DESCRIPTION - Subject site	
All/ part of: <u>NE 1/4</u>	Section: <u>14</u> Township: <u>28</u> Range: <u>5</u> West of: <u>5</u> Meridian Division:
All parts of Lot(s):	Block: Registered Plan: Parcel Size (ac/ ha): <u>approx 3/4</u>
Municipal Address (if assigned): <u>5021 Twp Rd 283.</u>	Existing Land Use District:
APPLICATION FOR - List use and scope of work	
<u>accessory buildings</u>	
<u>set back relaxation</u>	
<u>reparian - development in area</u>	
Variance Rationale Included: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	DP Checklist included: <input type="checkbox"/> YES <input type="checkbox"/> NO
SITE INFORMATION	
a. Oil or gas wells present on or within 100 metres of the subject property(s)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
c. Abandoned oil or gas well or pipeline present on the property (Well Map Viewer: https://extmapviewer.aer.ca/AERAbandonedWells/Index.html)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
d. Subject site has direct access to a developed Municipal Road (accessible public roadway)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
AUTHORIZATION	
I, <u>KEITH LOGAN, SANDRA LOGAN</u> (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 contained within this application and supporting documentation as part of the development process.	
<p>Right of Entry: By signing this application I acknowledge that Rocky View County may enter, with reasonable notice, the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit Application in accordance with Section 542 of the Municipal Government Act.</p>	
Applicant's Signature <u>Keith Logan</u>	Landowner's Signature <u>Sandra Logan</u>
Date <u>Sept. 18, 2020</u>	Date <u>Sept. 18, 2020</u>
<p>Privacy Notification: All information provided by the Applicant/Owner associated with the development permit application will be treated as public information during the review and processing of the application. The information is collected in accordance with s.33(c) of the Freedom of Information and Protection of Privacy Act. If you have questions regarding the collection or use of this information, contact the Planning & Development Services at 403-240-1301.</p>	

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT



LEGAL DESCRIPTION:
N.E.1/4 SEC.14, TWP.28, RGE. 5, W.5thM.
THAT PORTION OF THE N.E.1/4 WHICH LIES TO THE NORTH
OF THE LEFT BANK OF DOGPOUND CREEK AS SHOWN
PLAN 841 0832

MUNICIPAL ADDRESS:
51021 TOWNSHIP ROAD 283
ROCKY VIEW COUNTY, ALBERTA

CLIENT: KEITH LOGAN

SCALE = 1: 3000 metric

CERTIFICATION:

1. JEAN MATHIEU, ALBERTA LAND SURVEYOR, DO HEREBY CERTIFY THAT:
1. THE SURVEY REPRESENTED BY THIS PLAN IS TRUE AND CORRECT
AND WAS MADE UNDER MY PERSONAL SUPERVISION.
2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE MANUAL OF STANDARD
PRACTICE OF THE ALBERTA LAND SURVEYORS' ASSOCIATION.
3. THE SURVEY WAS COMPLETED ON THE 10TH DAY OF JULY, 2020
4. THE IMPROVEMENTS AS SHOWN ON THIS PLAN ARE ENTIRELY WITHIN
THE BOUNDARIES OF THE SUBJECT PROPERTY.
5. NO VISIBLE ENCROACHMENTS EXIST ONTO THE SUBJECT
PROPERTY FROM ANY IMPROVEMENT SITUATED
ON AN ADJACENT PROPERTY.
(EXCEPT GRAVEL AS SHOWN)
6. NO VISIBLE ENCROACHMENTS EXIST ON REGISTERED EASEMENTS,
RIGHTS-OF-WAY OR OTHER REGISTERED EASEMENTS AFFECTING THE
THE EXTENT OF TITLE.

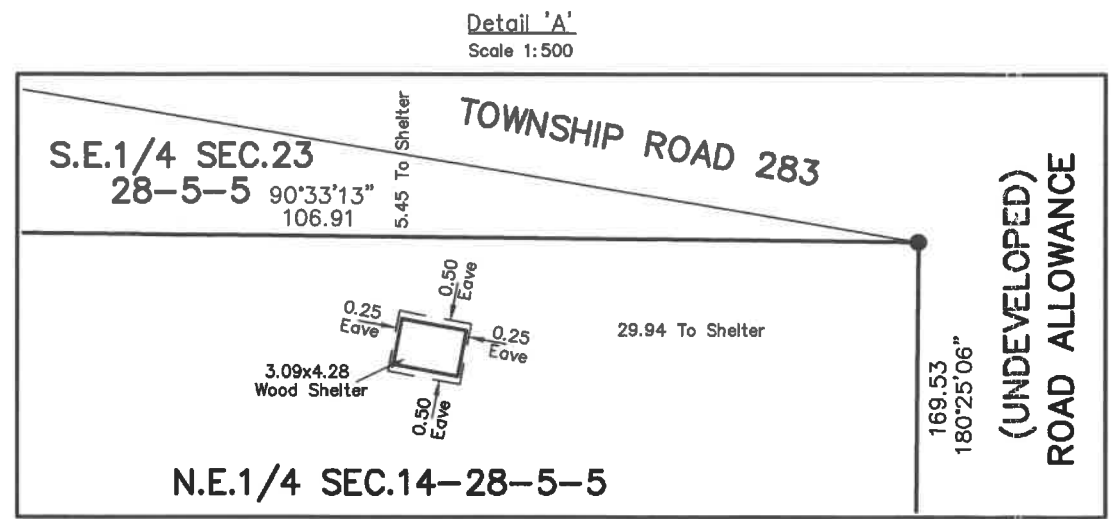
DATED THIS 15th DAY OF JULY, 2020

JEAN MATHIEU, ALBERTA LAND SURVEYOR
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NOTES:

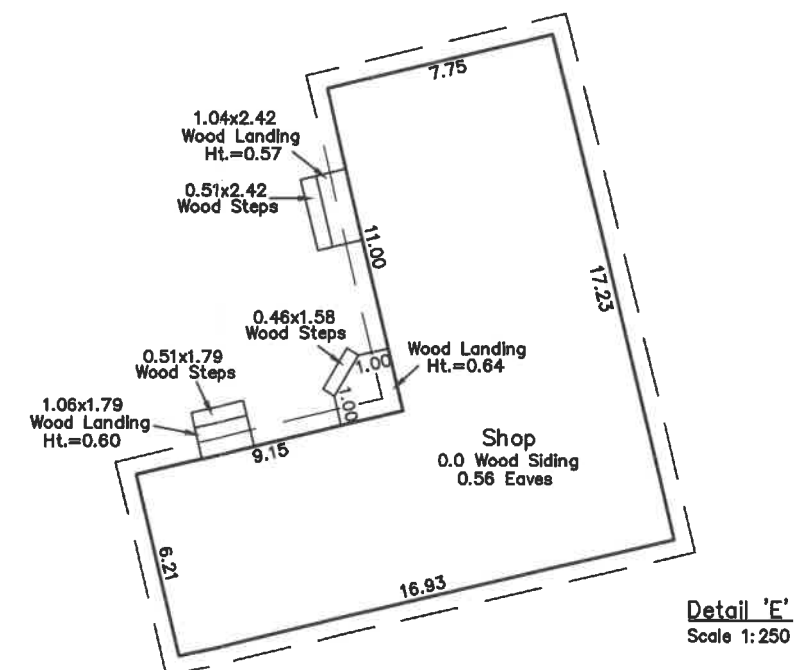
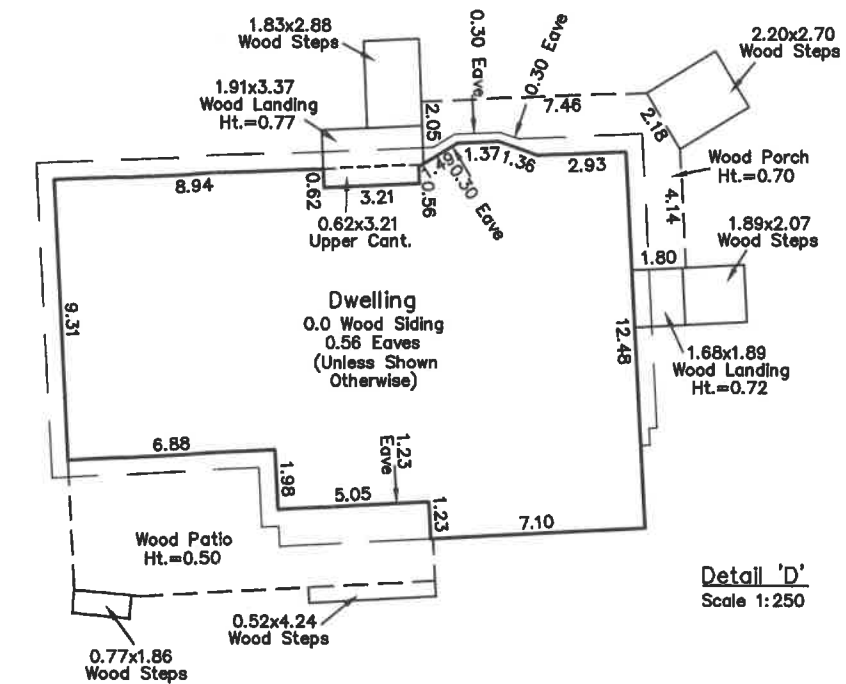
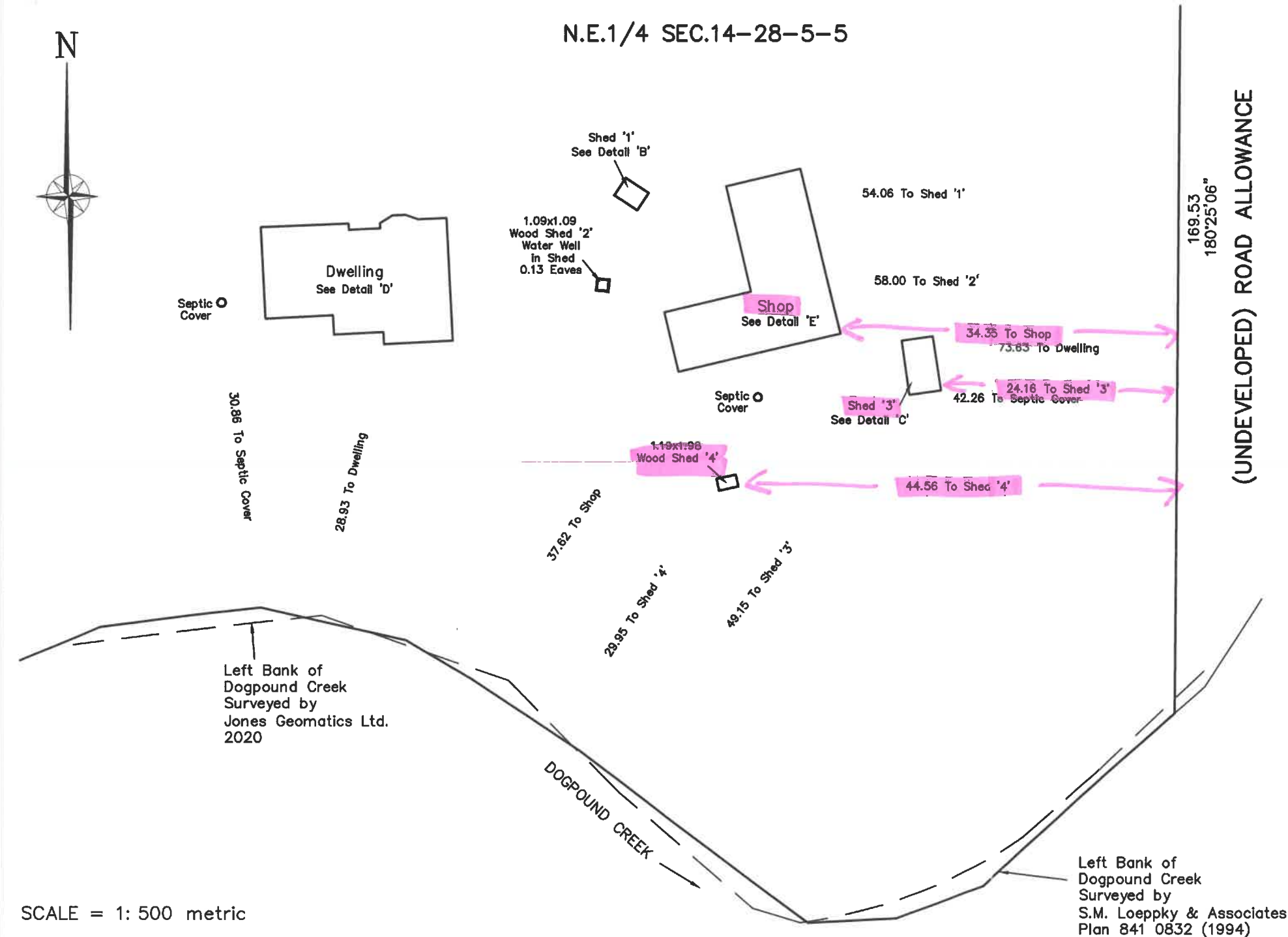
1. DISTANCES ARE IN METRES.
2. UNLESS OTHERWISE SPECIFIED, THE DIMENSIONS SHOWN RELATE TO
PERPENDICULAR DISTANCES FROM PROPERTY BOUNDARIES
TO FOUNDATION WALLS.
3. ALL EAVES SHOWN ARE DIMENSIONED FROM FOUNDATION TO FASCIA.
4. ALL FENCES SHOWN ARE WITHIN 0.2 METRES
OF THE PROPERTY LINES UNLESS OTHERWISE NOTED.
5. STATUTORY IRON POST FOUND THUS: ●
6. FOUND NO MARK IS SHOWN THUS: Fd. No Mk.
7. PROPERTY LINE IS SHOWN THUS: ————
8. FENCE LINE IS SHOWN THUS: —X—X—X—
9. TITLE INFORMATION IS BASED ON CERTIFICATE OF TITLE No. 851 174 235,
TITLE SEARCH DATED 29/06/20
10. PROPERTY IS SUBJECT TO THE FOLLOWING INSTRUMENTS:
—UTILITY R/W INST. No. 751 076 649
—EASEMENT INST. No. 861 019 832 (PLAN 861 0101)
—EASEMENT INST. No. 961 017 156

PURPOSE:
THIS REPORT AND RELATED PLAN HAVE BEEN PREPARED FOR THE BENEFIT OF
THE PROPERTY OWNER, SUBSEQUENT OWNERS AND ANY OF THEIR AGENTS FOR
THE PURPOSE OF (A LAND CONVEYANCE, SUPPORT OF A SUBDIVISION
APPLICATION, A MORTGAGE APPLICATION, A SUBMITTAL TO THE MUNICIPALITY
FOR A COMPLIANCE, CERTIFICATE, ETC.). COPYING IS PERMITTED ONLY FOR THE
BENEFIT OF THESE PARTIES, AND ONLY IF THE PLAN REMAINS ATTACHED.
WHERE APPLICABLE, REGISTERED EASEMENTS AND UTILITY RIGHTS OF WAY
AFFECTING THE EXTENT OF THE PROPERTY HAVE BEEN SHOWN ON THE
ATTACHED PLAN. UNLESS SHOWN OTHERWISE, PROPERTY CORNER MARKERS
HAVE NOT BEEN PLACED DURING THE SURVEY FOR THIS REPORT.
THE ATTACHED PLAN SHOULD NOT BE USED TO ESTABLISH BOUNDARIES DUE
TO THE RISK OF MISINTERPRETATION OR MEASUREMENT ERROR BY THE USER.
THE INFORMATION SHOWN ON THIS REAL PROPERTY REPORT REFLECTS THE
STATUS OF THE PROPERTY AS OF THE DATE OF SURVEY ONLY. USERS ARE
ENCOURAGED TO HAVE THE REAL PROPERTY REPORT UPDATED FOR FUTURE
REQUIREMENTS.



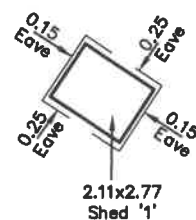
THIS DOCUMENT IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE
(IN BLUE INK) AND A JONES GEOMATICS LTD. PERMIT STAMP (IN RED INK)

Jones Geomatics Ltd.
Alberta Land Surveyor
20, 1323 44th Ave. N.E., Calgary, Alberta T2E 6L5
Ph. (403) 230-0778 Fax (403) 230-0714
E-mail: jonesgeo@telus.net
JM/JM/WD Job No. NO12568-20



Detail 'B'

Scale 1:250



Detail 'C'

Scale 1:250

