

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DIVISION: 4
SUBJECT: Development Item: Residential
USE: Discretionary, with Variance

DATE: November 12, 2020

APPLICATION: PRDP20202797

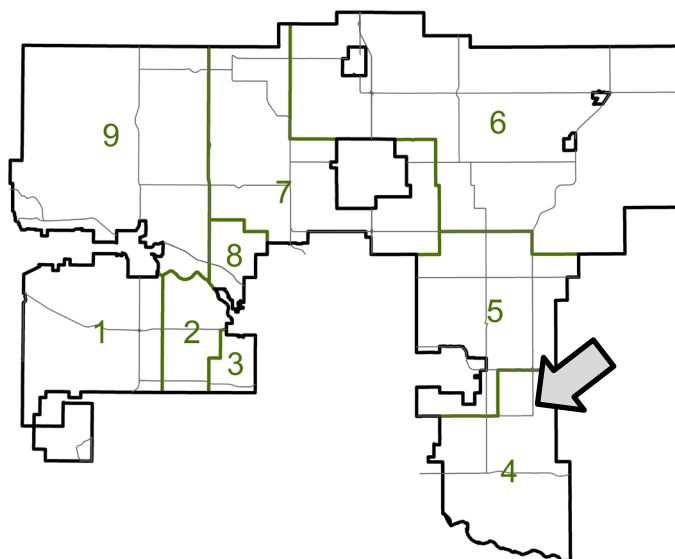
APPLICATION: Existing dwelling, single detached, relaxation of the side yard setback, relaxation of special regulation 2.5.1 to allow for the cantilever extension into the side yard setback.

GENERAL LOCATION: Located in the Hamlet of Langdon.

LAND USE DESIGNATION: Direct Control DC-75 District

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

VARIANCE SUMMARY:



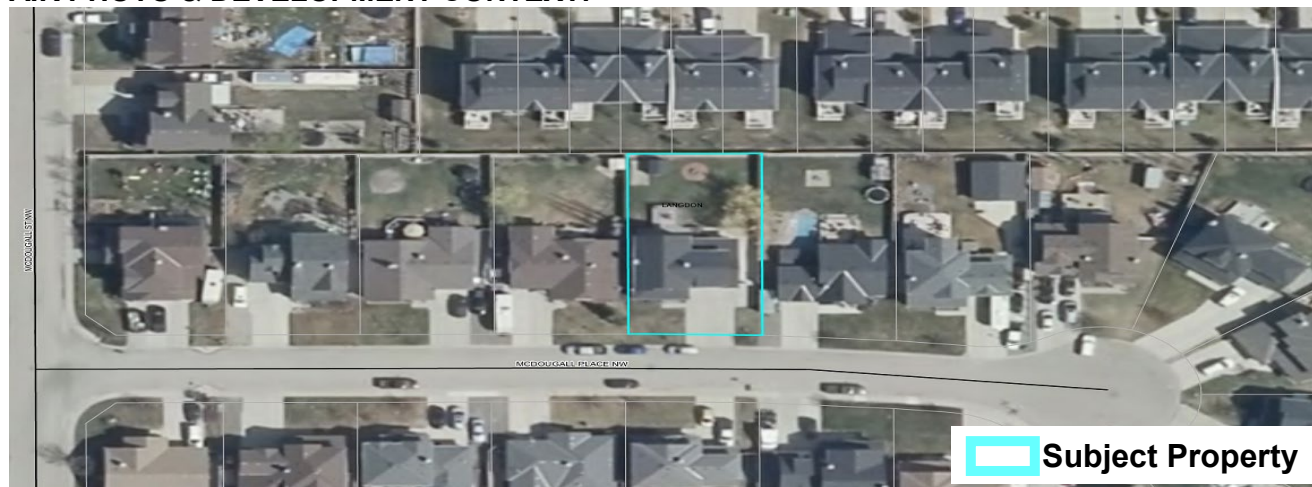
Variance	Requirement	Proposed	Percentage (%)
Side Yard Setback	1.52 m (5.00 ft.)	0.91 m (2.99 ft.)	40.13%

OPTIONS:

Option #1: THAT Development Permit Application PRDP20202797 be approved with the conditions noted in the Development Permit Report, attached.

Option #2: THAT Development Permit Application PRDP20202797 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Andrea Bryden - Planning and Development Services



DEVELOPMENT PERMIT REPORT

Application Date: September 16, 2020	File: 03222222
Application: PRDP20202797	Applicant/Owner: Scott Gilmore
Legal Description: Lot 26, Block 1, Plan 0311120; NE 22-23-27-W4M	General Location: Located in the hamlet of Langdon
Land Use Designation: DC 75HSFD	Gross Area: ± 0.08 hectares (± 0.2 acres)
File Manager: Andrea Bryden	Division: 4

PROPOSAL:

The proposal is for a dwelling, single detached (existing), relaxation of the minimum side yard setback requirement, relaxation of special regulation 2.5.1 to allow for the cantilever extension into the side yard setback.

The subject land is located in Direct Control District 75, within the Hamlet Residential Single Family Development Cell 1. The proposal is a result of a Certificate of Compliance request from a Real Property Report that was completed by Terramatic Technologies Inc. (File No. 2025360), dated June 15, 2020. The dwelling complies with all other requirements of the DC and District.

The application was evaluated in accordance with Direct Control Bylaw 75 (C-5457-2001) and the Land Use Bylaw (C-4841-97).

Direct Control Bylaw 75 (C-5457-2001)

Section 2.2.0 General Regulations

2.2.1 Section 55 Hamlet Residential Single Family District (HR-1) of Land Use Bylaw C-4841-97 are applicable to this development cell unless otherwise stated in this Bylaw.

2.2.2 The Development Authority may issue a Development Permit to grant relaxations for front, side, and rear yard setbacks for existing Dwellings, single detached so long as the amount of the variance does not exceed 20% of the required distances.

2.3.0 Minimum Requirements

2.3.3 Yard, Side – sites without lanes:

a) principal buildings

i) unobstructed yard, side: 1.52 m (5.00 ft.)

Proposed: 0.91 m (2.99 ft.)

2.5.0 Special Regulations

2.5.1 With respect to Section 3.2.2 Yard, Side there shall be no side yard extensions into the defined minimum required setback. Section 38 of the Land Use Bylaw that provides for cantilever extensions is not applicable under this Direct Control District.



Bylaw	Permitted	Proposed	Variance
DC 75	1.52 m (5.00 ft.)	0.91 m (2.99 ft.)	0.61 m (2.00 ft) 40.13%

Land Use Bylaw C-4841-97

Section 65 – Direct Control District

67.5 Variance

Where a development does not comply with the approved DC Direct Control regulations for the site, the Development Authority may, if satisfied that the proposed variance will not unduly interfere with or affect the use, enjoyment, or value of the neighborhood nor materially interfere with or affect the use, enjoyment, or value of neighboring properties, issue a Development Permit granting a variance.

STATUTORY PLANS:

- The subject property is located within the Langdon Area Structure Plan and the Langdon Crossing West Conceptual Scheme. These plans do not provide guidance on applications of this nature but supports residential development. As such, the application was evaluated in accordance with the Land Use Bylaw (C-4841-97) and Direct Control Bylaw 75 (C-5457-2001).

INSPECTOR'S COMMENTS:

- Neat and tidy;
- No concerns at time of inspection.

CIRCULATIONS:

Building Services

- There are no comments from Building Services as it appears the DP strictly involves setback relaxations of the existing cantilevers only. Provided, the existing cantilevers were constructed and permitted at time of construction.

No other comments received at time of report writing.

OPTIONS:

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

APPROVAL, subject to the following conditions:

Description:

- That the existing dwelling, single detached may remain on the subject parcel in general accordance with the drawings prepared by Terramatic Technologies Inc. (File No. 2025360), dated June 15, 2020, and conditions noted herein:
 - That the minimum side yard setback requirement for the dwelling, single-detached is relaxed from **1.52 m (5.00 ft.) to 0.91 m (2.99 ft.)**.
 - That the cantilever extension into the side yard setback may remain.

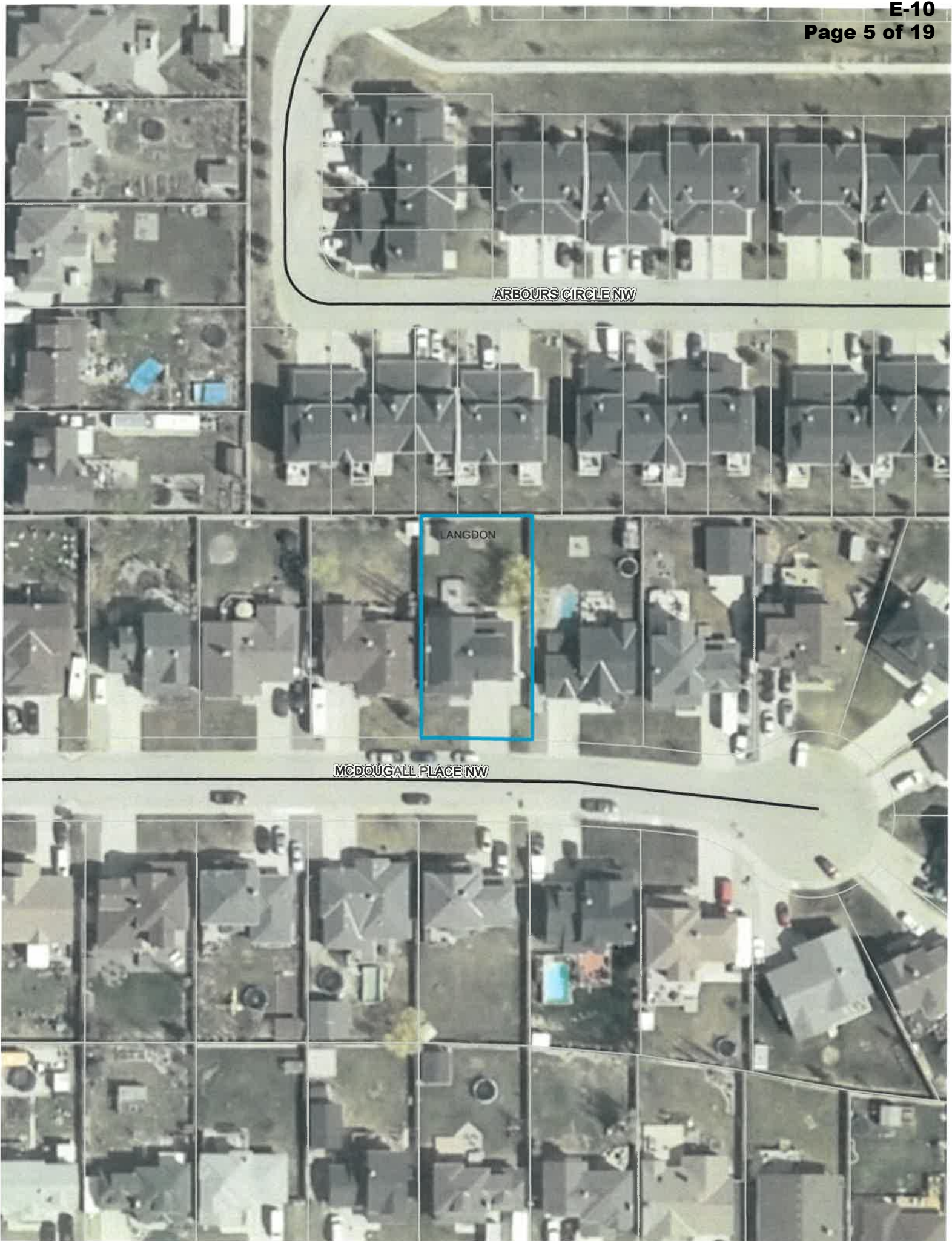
**Advisory:**

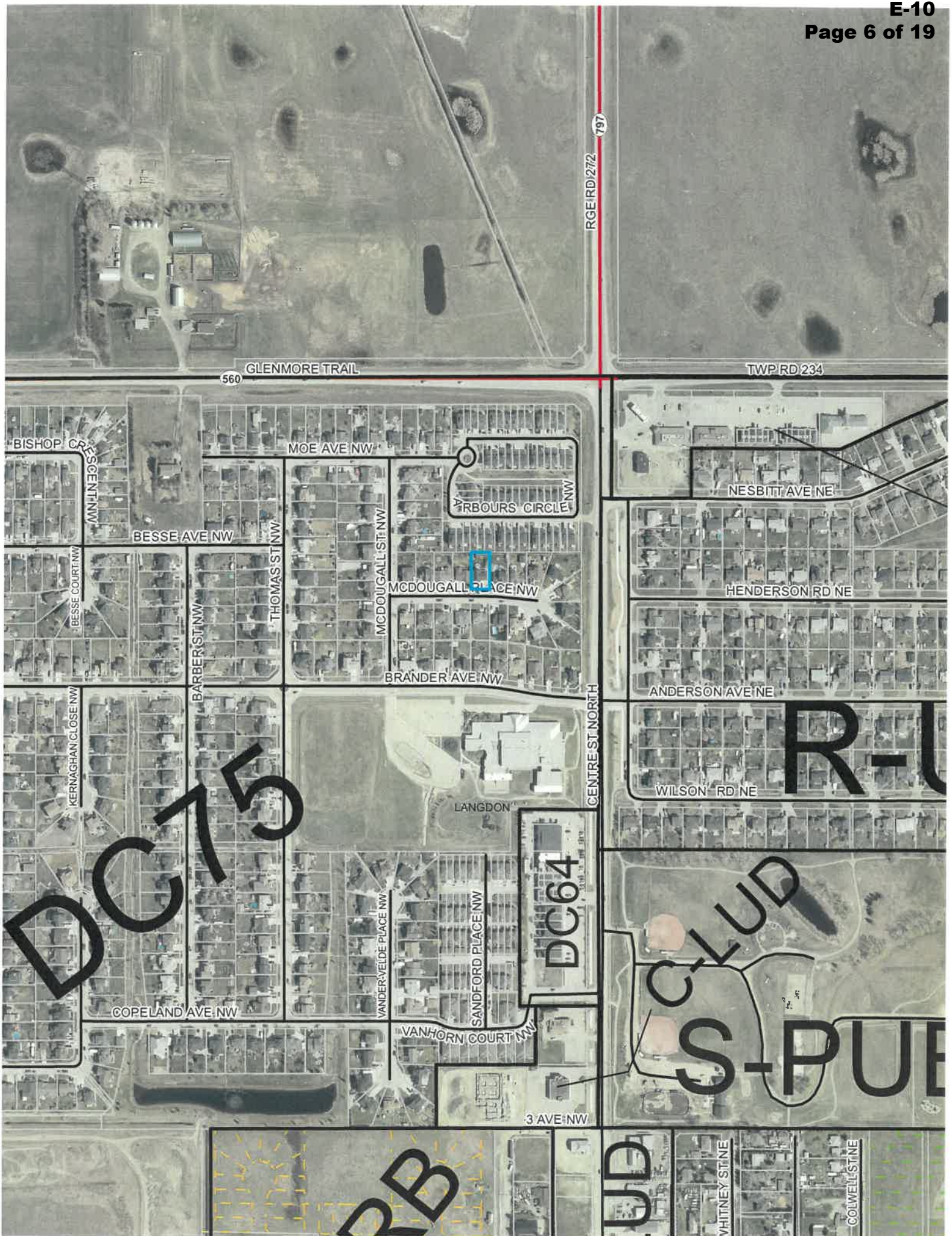
2. That any over government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

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

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

DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY

E-10
Page 7 of 19

APPLICATION NO.

20202797

ROLL NO.

03222222

RENEWAL OF

FEES PAID

\$315.00

DATE OF RECEIPT

Sept 16, 2020

APPLICANT/OWNER

Applicant Name:

Scott Gilmore

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:

1/4

Section:

Township:

Range:

West of:

Meridian

Division:

All parts of Lot(s)/Unit(s):

26

Block:

1

Plan:

031 1120

Parcel Size (ac/ha):

Municipal Address:

112 McDougall Place N.W

Land Use District:

APPLICATION FOR - List use and scope of work

Langdon

Building Permit for Cantalever

[Signature]

Variance Rationale included: ☐ YES ☐ NO ☐ N/A

DP 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, SCOTT GILMORE (Full name in Block Capitals), hereby certify (initial below):

[Signature] That I am the registered owner OR *[Signature]* That I am authorized to act on the owner's behalf.

[Signature] 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.

[Signature] 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*.

[Signature] **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

[Signature]

Date

September 16 2020

Landowner Signature

[Signature]

Date

September 16 2020



DEVELOPMENT PERMIT APPLICATION CHECKLIST - GENERAL

All plans shall be submitted as one (1) legible hard copy and in DIGITAL form (pdfs)

Select [✓] all that are included within application package. Incomplete applications may not be accepted for processing

- ☒ **APPLICATION FORM(S) AND CHECKLIST:** All parts completed and signed.
- ☒ **APPLICATION FEE:** Refer to Planning and Development Fee Schedule within the Master Rates Bylaw.
- ☒ **CURRENT LAND TITLES CERTIFICATE COPY - dated within 30 days of application, and:**
 - ☐ Digital copy of non-financial instruments/caveats registered on title
- ☒ **LETTER OF AUTHORIZATION:** Signed by the registered landowner(s) authorizing person acting on behalf (if not the Applicant). If registered owner on title is a company, authorization to be provided on a company letterhead or as an affidavit (signed by a Commissioner of Oaths).
- ☒ **COVER LETTER, shall include:**
 - ☐ Proposed land use(s) and scope of work on the subject property
 - ☐ Detailed rationale for any variances requested
 - ☐ For businesses - Complete operational details including days/hours of work, number of employees, parking provisions, types of vehicles, outdoor storage areas, site access/approach, traffic management, etc.
 - ☐ Reference to any *Supporting Documents*, images, studies, plans etc. provided within application package
- ☒ **SITE PLAN, shall include:**
 - ☐ Legal description and municipal address
 - ☐ North arrow
 - ☐ Property dimensions (all sides)
 - ☐ Setbacks/dimensions from all sides of the property line(s) to existing/proposed buildings, structures (cantilevers, decks, and porches), outdoor storage areas etc.
 - ☐ Dimensions of all buildings/structures
 - ☐ Location and labels for existing/proposed approach(s)/access to property
 - ☐ Identify names of adjacent internal/municipal roads and highways
 - ☐ Identify any existing/abandoned/proposed oil wells, septic fields/tanks, or water wells on site, including their distances to existing/proposed buildings
 - ☐ Identify any existing/proposed site features such as trees, shelterbelts, canals, waterbodies, etc.
 - ☐ Identify site slopes greater than 15% and distances from structures
 - ☐ Location and labels for easements and/or rights-of-way on title
- ☐ **FLOOR PLANS/ELEVATIONS, shall include:**
 - ☐ Overall dimensions on floor plans for all buildings/structures (for new construction, additions, renovations etc.)
 - ☐ Indicate floor area and existing/proposed uses on floor plans and height(s) on elevations
 - ☐ Indicate type of building/structure on floor plans and elevations
- ☒ **COLOUR PHOTOGRAPHS (Min. 3) - one hard and digital copy:** Of existing site, building(s), structure(s), signage, site features, taken from all sides including surrounding context, and when existing floor plans/elevations are not available
- ☒ **SUPPORTING DOCUMENTS (as applicable):** Include technical studies/reports and any additional plans relating to the proposed development (lot grading, site lighting, storm water management plans etc.). Refer to the Land Use Bylaw for use or district specific requirements.

FOR OFFICE USE ONLY

Proposed Use(s): Relaxation, Side Setback, Cantilever Land Use District: DL-75

Applicable ASP/CS/IDP/MSDP: Langdon/Langdon Crossing West

Included within file: ☒ Information Sheet ☒ Parcel Summary ☒ Site Aerial ☒ Land Use Map Aerial ☒ Site Plan

NOTES:

Staff Signature: 



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0029 867 892 0311120;1;26 031 350 820

LEGAL DESCRIPTION
PLAN 0311120
BLOCK 1
LOT 26
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;27;23;22;NE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 031 126 291 +15

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
031 350 820	10/10/2003	TRANSFER OF LAND	\$61,407	\$61,407

OWNERS

SCOTT GILMORE

AND

DEBBIE GIESSMANN

BOTH OF:

[REDACTED]
[REDACTED]
[REDACTED]

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
021 314 077	09/09/2002	CAVEAT RE : EASEMENT AND RESTRICTIVE COVENANT
031 126 294	17/04/2003	UTILITY RIGHT OF WAY

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

031 350 820

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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GRANTEE - 814502 ALBERTA LTD.

GRANTEE - TELUS COMMUNICATIONS INC.

GRANTEE - ATCO GAS AND PIPELINES LTD.

GRANTEE - FORTISALBERTA INC.

320-17 AVE SW

CALGARY

ALBERTA T2S2V1

GRANTEE - PERSONA COMMUNICATIONS INC.

GRANTEE - LANGDON WATERWORKS LIMITED.

AS TO PORTION OR PLAN:0310031

(DATA UPDATED BY: CHANGE OF NAME 041434275)

031 126 295 17/04/2003 CAVEAT

RE : EASEMENT AND RESTRICTIVE COVENANT

131 184 103 30/07/2013 MORTGAGE

MORTGAGEE - PARADIGM QUEST INC.

18TH FLR, 390 BAY ST

TORONTO

ONTARIO M5H2Y2

ORIGINAL PRINCIPAL AMOUNT: \$262,000

(DATA UPDATED BY: TRANSFER OF MORTGAGE
201115922)

181 195 865 13/09/2018 WRIT

CREDITOR - CANADIAN IMPERIAL BANK OF COMMERCE.

C/O 70032 LONDON DERRY P.O.

EDMONTON

ALBERTA T5C3C6

DEBTOR - SCOTT BRADLEY GILMORE

1303-10 PRESTWICK BAY SE

CALGARY

ALBERTA T2Z0E6

AMOUNT: \$24,970 AND COSTS IF ANY

ACTION NUMBER: 1803-17350

191 001 288 03/01/2019 CAVEAT

RE : AGREEMENT CHARGING LAND

CAVEATOR - JEFFREY V. KAHANE PROFESSIONAL
CORPORATION.

KAHANE LAW OFFICE

7309 FLINT ROAD SE

CALGARY

ALBERTA T2H1G3

AGENT - FARRAH E KOHORST

191 036 738 21/02/2019 CAVEAT

RE : AGREEMENT CHARGING LAND

CAVEATOR - V.H. VOGEL PROFESSIONAL CORPORATION.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

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031 350 820

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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VOGEL LLP, 1050, 10201 SOUTHPORT ROAD SW
 CALGARY
 ALBERTA T2W4X9
 AGENT - KATHRYN TWEEDIE

191 085 805 07/05/2019 CERTIFICATE OF LIS PENDENS
 BY - SCOTT BRADLEY GILMORE
 LAW OF PROPERTY ACT

191 156 492 02/08/2019 WRIT
 CREDITOR - CANADIAN IMPERIAL BANK OF COMMERCE
 C/O KPMC LLP
 25 SHEPPARD AVE WEST, SUITE 1100
 TORONTO
 ONTARIO M2N6S6
 DEBTOR - SCOTT GILMORE
 1303, 10 PRESTWICK BAY SE
 CALGARY
 ALBERTA T2Z0E6
 AMOUNT: \$55,640 AND COSTS IF ANY
 ACTION NUMBER: 1903-00090

191 165 674 16/08/2019 CAVEAT
 RE : AGREEMENT CHARGING LAND
 CAVEATOR - JEFFREY V. KAHANE PROFESSIONAL
 CORPORATION.
 KAHANE LAW OFFICE
 7309 FLINT ROAD SE
 CALGARY
 ALBERTA T2H1G3
 AGENT - FARRAH E KOHORST.

TOTAL INSTRUMENTS: 010

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
 ACCURATE REPRODUCTION OF THE CERTIFICATE OF
 TITLE REPRESENTED HEREIN THIS 12 DAY OF AUGUST,
 2020 AT 09:03 A.M.

ORDER NUMBER: 39897796

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

(CONTINUED)

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.

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ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT



#12-5080-12A Street S.E.
Calgary, Alberta T2G 5K9
Phone: 214 3655, Fax 214 1428
E-Mail: survey@terramatic.com

Drawn by: AJ Chk'd: KL
Date: JUNE 15, 2020
Scale: 1:200 Metric
File No.: 2025360



LEGEND:

Found Iron Posts are shown thus: ●
Sideyard dimensions to building wall
All distances are in metres and decimals thereof.
Distances shown on curve boundaries are Arc distances
The designation 'R' on a curve indicates its Radius
Outline of Subject Property is shown thus: ————
Cantilevered walls are shown thus: - - - - -
Edge of concrete walks & drives shown thus:
Edge of Eaves are shown thus:
Fences are shown thus: —□—□—□—
and are deemed to be within +/- 0.2m of property line
unless otherwise noted.
Back of Walks are shown thus: BOW
Top of Curbs are shown thus: TOC
Retaining Walls are shown thus: R/W
Window Wells are shown thus: W/W
This plan is page 2 (backside) of a Real Property Report
and is incomplete if detached from page 1
which contains a live signature

