

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission	DATE:	November 26, 2020
DIVISION:	1	APPLICATION:	PRDP20203172
SUBJECT:	Development Item: Accessory Building and Accessory Dwelling Unit		
USE:	Discretionary use, with no Variances		

APPLICATION: Construction of an Accessory Building including an Accessory Dwelling Unit

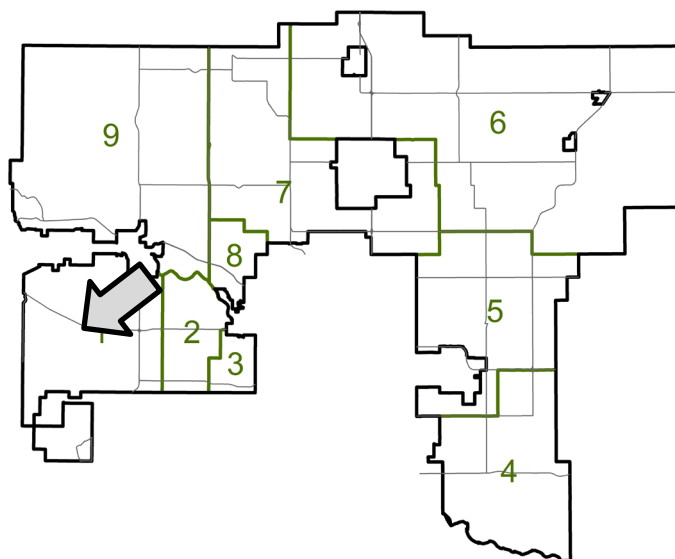
GENERAL LOCATION: Located approximately 0.20 km (1/8 mile) south of Twp. Rd. 232 and 0.20 km (1/8 mile) east of Rge. Rd. 54.

LAND USE DESIGNATION: Residential Rural District (R-RUR) under Land Use Bylaw C-8000-2020.

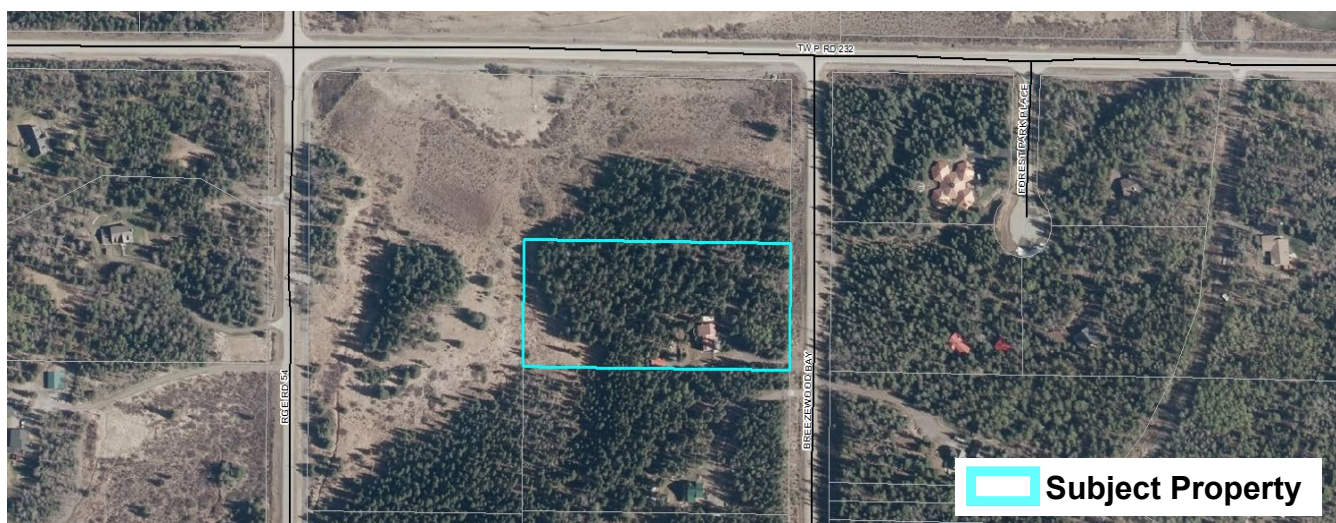
ADMINISTRATION RECOMMENDATION:
Administration recommends Approval in accordance with Option #1.

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20203172 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20203172 be refused as per the reasons noted.



AIR PHOTO & DEVELOPMENT CONTEX



Administration Resources

Scott Thompson - Planning and Development Services



DEVELOPMENT PERMIT REPORT

Application Date: October 7, 2020	File: 03909029
Application: PRDP20203172	Applicant/Owner: Derek Greenstein
Legal Description: Lot 12 Block 9 Plan 1811530, NW-09-23-05-05; (31 BREEZEWOOD BAY)	General Location: Located approximately 0.20 km (1/8 mile) south of Twp. Rd. 232 and 0.2 km (1/8 mile) east of Rge. Rd. 54.
Land Use Designation: Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020.	Gross Area: ± 1.69 hectares (± 4.20 acres)
File Manager: Scott Thompson	Division: 1

PROPOSAL:

The proposal is for construction of an accessory building including an accessory dwelling unit. The building will be located east of the main dwelling and will be two storeys. *Note, this application was assessed in accordance with Land Use Bylaw C-8000-2020.*

The application is to construct an accessory building (shop), approximately 100.33 sq. m (1,080.00 sq. ft.) in footprint. The garage/shop will occupy the basement and main floor of the building. The second floor will include the proposed accessory dwelling unit. Both the shop and accessory dwelling unit will have separate dedicated accesses.

Property History:

Development Permit History:

- N/A

Building Permit History:

- 1981-BP-8846 Construction of a single family dwelling
- 1990-BP-2018 Construction of a garage.
- 1990-BP-3884 Issued for a side yard variance for the accessory building
- 1996-DP-6572 issued for a side yard variance for the accessory building
- 2013-BP-25793 Alterations and improvements to the existing single family dwelling.

Land Use Bylaw

Residential, Rural District

318 (Permitted Uses)

- *Accessory Building >190.00 sq. m (2,045.14 sq. ft.)*
 - The proposed accessory building footprint is 100.33 sq. m (1,080.00 sq. ft.)

(Discretionary Uses)

- *Accessory Dwelling Unit*



320 Maximum Density:

- **Maximum:** 2 Dwelling Units per parcel (1 Dwelling, Single Detached and 1 other Dwelling Unit)
- **Proposed:** 2 Dwelling Units (1 Dwelling, 1 Accessory Dwelling Unit)

321 Maximum Building Height:

- **Maximum:** Accessory Buildings: 7.00 m (22.97 ft.)
- **Proposed:** 7.00 m (22.97 ft.)

322 Maximum Accessory Building Parcel Coverage:

- **Maximum:** All others: 285.00 sq. m (3,067.71 sq. ft.)
- **Total Buildings:** 172.33 sq. m (1,854.94 sq. ft.)
 - Garage 71.98 sq. m (775.00 sq. ft.)
 - Proposed: 100.33 sq. m (1,080.00 sq. ft.)

323 Minimum Setbacks:

- **Required Front Yard:** 15.00 m (49.21 ft.)
- **Proposed:** 17.37 m (59.98 ft.)
- **Required Side Yard:** 3.00 m (9.84 ft.)
- **Proposed:** 16.15 / 60.00 m (52.98 ft./ 196.85 ft.)
- **Required Rear Yard:** 7.00 m (22.97 ft.)
- **Proposed:** Well away

OVERALL ASSESSEMENT:

Based on site inspection and aerial photography, this development is minor in nature and fits within the context of surrounding parcels. The building is located at the front of the property. However, it is well screened from the road by the existing trees. No variances are requested as part of the application, which appears to be minor in nature. It should have minimal impact on the surrounding neighbours.

STATUTORY PLANS:

The parcel falls under the Greater Bragg Creek Area Structure Plan (ASP). The ASP gives no guidance on the specific nature of this application, but overall supports residential living within the area and increasing density. The application was also evaluated in accordance with Land Use Bylaw.

INSPECTOR'S COMMENTS:

No inspection was completed at time of report.

CIRCULATIONS:

Building Services Review

- Advisory Condition – The accessory dwelling unit will require to be separated from the shop by a 1 hour fire-resistance rating.



ROCKY VIEW COUNTY

- Advisory Condition – Changing the occupancy of the shop to a medium-hazard industrial occupancy will require a 2 hour fire-resistance rating.
- Advisory Condition – Ensure the percentage of unprotected openings in the west exposing building face facing the house is compliant with 9.10.14.4.
- Advisory Condition – Ensure the minimum construction requirements on the west exposing building face are compliant with 9.10.14.5.
- Advisory Condition – Accessory dwelling unit requires protection from sound transmission

Planning and Development Services – Development Compliance

- No comments received.

Planning and Development Services – Engineering

General

- The review of this file is based upon the application submitted. Should the submission material be altered or revised at subsequent development stages these conditions/recommendations may be subject to change to ensure best practices and procedure.

Geotechnical:

- Engineering has no requirements at this time.
- There appears to be no steep slopes on the subject land.

Transportation:

- Engineering has no requirements at this time.
- There is an existing road approach off of Breezewood Bay providing access to the subject land.
- The applicant/owner will not be required to pay the transportation offsite levy, as per the applicable TOL bylaw at time of DP issuance, as the development is directly associated with the construction of a dwelling.

Sanitary/Waste Water:

- Engineering has no requirements at this time.
- The applicant indicated that the existing PSTS will be upgraded to accommodate/service the proposed development.

Water Supply And Waterworks:

- Engineering has no requirements at this time.

Storm Water Management:

- Engineering has no requirements at this time.
- It appears that the addition would have minimal impacts to existing drainage conditions.

Environmental:

- As an advisory condition, the applicant/owner will be required to obtain all applicable AEP approvals should the development directly impact any wetlands.



Kananaskis Improvement District Review

- 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 website and consider aligning their proposal with FireSmart principles.

GeoGraphics - Address & Road Naming Review

- ADU - A 31 BREEZEWOOD BAY.

Capital Projects

- No comments received.

Utility Services

- No Comments received

OPTIONS:

Option #1 (this would allow the proposed development)

APPROVAL, subject to the following conditions:

Description:

1. That construction of the proposed Accessory Building, including an Accessory Dwelling Unit, approximately 100.33 sq. m. (1080.00 sq. ft.) in footprint, may commence on the subject land in general accordance with the approved Site Plan and submitted application.

Prior to Issuance

2. That prior to issuance of this permit, the Applicant/Owner shall confirm acceptance of or refusal to participate in the Voluntary Recreation Contribution for Community Recreation Funding on the form provided by the County and that the contribution, if accepted, is \$800.00, calculated at \$800.00 for each new residential unit.
3. That prior to issuance 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.

Permanent:

4. That the proposed Accessory Building and Accessory Dwelling Unit shall not be used for commercial purposes at any time, unless otherwise approved by a Development Permit.
5. That the exterior siding and roofing materials of the Accessory Building shall be similar/cohesive to the existing dwelling, single-detached and/or area.
6. That there shall be no more than 1.00 m (3.28 ft.) of fill placed adjacent to or within 15.00 m (49.21 ft.) of the proposed building under construction, which is used to establish approved final grades unless a Development Permit has been issued for additional fill and topsoil.
7. That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for each dwelling



unit located on the subject site, to facilitate accurate emergency response. *Note: The new municipal address for the Accessory Dwelling Unit is A 31 BREEZEWOOD BAY.*

8. That there shall be a minimum of one (1) parking stall maintained on site at all times dedicated to the Accessory Dwelling Unit.
9. That there shall be adequate servicing provided for the Accessory Dwelling Unit.
10. That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application or submitted in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity.

Advisory:

11. That during construction, any required temporary fencing should be erected no more than 3.00 m (9.84 ft.) from the proposed building, to help prevent disturbance of the existing trees and vegetation.
12. That the Applicant/Owner shall implement any applicable FireSmart principles during the construction of the proposed development.
13. That during construction of the Accessory 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.
14. That the County's Noise Bylaw C-5772-2003 shall be adhered to at all times.
15. That the site shall remain free of restricted and noxious weeds and maintained in accordance with the Alberta Weed Control Act [*Statutes of Alberta, 2008 Chapter W-5.1, December 2017*].
16. That a Building Permit and sub-trade permits shall be obtained through Building Services, prior to any construction taking place.
17. That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
18. 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 Authority.
19. That if this Development Permit is not issued by **JUNE 30, 2021** or an approved extension date, then this approval is null and void and the Development Permit shall not be issued.

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

REFUSAL, for the following reasons:

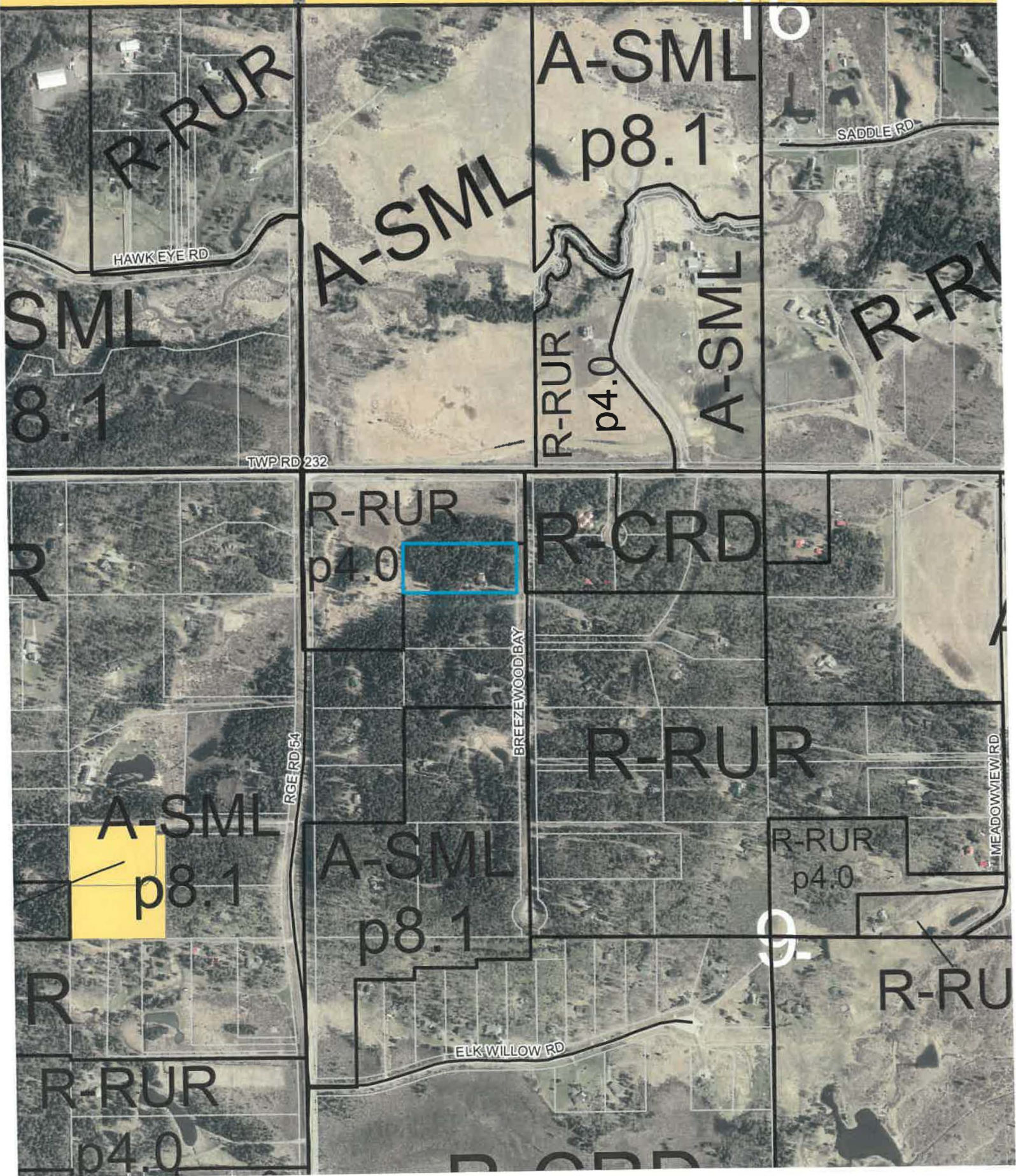
1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.



TWP RD 232

BREEZEWOOD BAY

FOREST PARK PLACE





ROCKY VIEW COUNTY

DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY	
APPLICATION NO.	20203172
ROLL NO.	03909029
RENEWAL OF	
FEES PAID	\$515.00
DATE OF RECEIPT	Oct 5/2020

APPLICANT/OWNER

Applicant Name: Derek Greenstein & Kimberly Dick

Business/Organization Name (if applicable):

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: NW¼ Section: 9 Township: 23 Range: 5 West of: 5 Meridian Division:
All parts of Lot(s)/Unit(s): 12 Block: 9 Plan: 1811530 Parcel Size (ac/ha): 4.2 ac
Municipal Address: 31 Breezewood Bay Land Use District: R-RUR

APPLICATION FOR - List use and scope of work

2 Story Accessory Building - lower floor shop/garage space, upper floor ADU

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, DEREK GREENSTEIN (Full name in Block Capitals), hereby certify (initial below):

- DEREK GREENSTEIN That I am the registered owner OR DEREK GREENSTEIN That I am authorized to act on the owner's behalf.
DEREK GREENSTEIN 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.
DEREK GREENSTEIN 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*.
DEREK GREENSTEIN 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 24-Sep-2020

Landowner Signature

Date 24-Sep-2020



ROCKY VIEW COUNTY

ACCESSORY DWELLING UNIT (ADU) INFORMATION SHEET

FOR OFFICE USE ONLY	
APPLICATION NO.	
ROLL NO.	
DISTRICT	

DETAILS/DESCRIPTION		BUILDING TYPE/LOCATION
Gross floor area of ADU / Shop	1,080 sqft (m ² / ft. ²)	<input type="checkbox"/> Existing OR <input checked="" type="checkbox"/> New Building Located within: <input type="checkbox"/> Principal Dwelling <input checked="" type="checkbox"/> Accessory Building <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Tiny Home <input type="checkbox"/> Other (specify):
Height of building (if applicable)	22.75 ft (m / ft.)	
Age of building (if existing)	Proposed	
Contains sleeping, cooking, and sanitary facilities?	<input checked="" type="checkbox"/> YES, shown on plan <input type="checkbox"/> NO	
Number of bedrooms	2	
Number of parking spaces allotted	2	
Location of parking area: <u>Adjacent to building</u> Is the ADU constructed on a permanent foundation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Describe outdoor and/or amenity space allocated to ADU: <u>There will be a landing/deck area to access the upper level exterior entry to the ADU.</u> <hr/> Describe how the ADU complements the primary dwelling in architectural character (i.e. roof pitch, exterior finishing, windows, etc.): <u>Roof (red) and siding (grey) will be common color as primary dwelling. Windows in existing residence are to be changed out at same time and will be of matching design. Roof pitch will be similar to existing quonset on site and of matching color (red).</u> <hr/> Describe how the ADU minimizes impact on neighboring properties (i.e. location of ADU on parcel, design of building, screening/landscaping elements etc.): <u>The setback from the property line will have building significantly obscured by native trees on property.</u> <hr/> <p>NOTE: Submission to include photographs of the existing principal dwelling/building (all sides). Refer to Development Permit Checklist for requirements.</p>		
WATER SOURCE <input type="checkbox"/> Connection to Communal Water System (Provide Letter of Confirmation from system operator) <input checked="" type="checkbox"/> Share Existing Groundwater Well <input type="checkbox"/> New Well <p>NOTE: The location of new or existing wells is to be shown on a site plan; Groundwater Interference Report required when there are 6 or more parcels on a quarter-section</p>		
SEWAGE TREATMENT AND DISPOSAL <input type="checkbox"/> Connection to Communal Sewage Collection System (Provide Letter of Confirmation from system operator) <input type="checkbox"/> Connection to Existing Private Sewage Treatment System (show location on Site Plan) <input checked="" type="checkbox"/> Expansion of Existing Private Sewage Treatment System (show location on Site Plan) <input type="checkbox"/> Construction of New Private Sewage Treatment System (show location on Site Plan)		

Applicant Signature _____

Date 24-Sep-2020

Derek Greenstein
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Building Services
Rocky View County
262075 Rocky View Point
Calgary, Alberta
T4A 0X2
October 2, 2020

To Whom it Concerns:

This is a cover to the package regarding development permit stage of an Accessory Dwelling Unit/Shop space proposed to be built at 31 Breezewood Bay near the Hamlet of Bragg Creek. The designation of this property is R-RUL.

SCOPE:

- 2 story 36'x30' structure with lower level to be shop space and upper level to be 2BDRM Accessory Dwelling Unit
- Both shop and ADU will have separate, dedicated accesses.
- Two or more exterior parking spaces will be made available for the ADU.
- The septic system on location will be upgraded to handle both the main dwelling and the newly built structure on location under existing application PRPS20201956, this is currently in the design stage.
- There are no unusual variances anticipated at this time.

Thanks & Best Regards,



Derek Greenstein
[REDACTED]
[REDACTED]



ROCKY VIEW COUNTY

Building Services

262075 Rocky View Point, Rocky View County, AB T4A 0X2
 TEL 403-230-1401 EMAIL building@rockyview.ca
 WEB www.rockyview.ca

Private Sewage Treatment Systems for Additions & Renovations - Verification Form

Please complete this form to provide verification that the proposed changes to the existing building can be sufficiently served by the existing private sewage system. If a certified private sewage installer determines that the existing system is not sufficient, alterations to the existing system will be necessary, and a permit will be required

Date (Month/Day/Year): 24-Sep-2020

Related Building Permit Number (if applicable): PRPS20201956

Property Owner Name(s): Derek Greenstein & Kimberly Dick

Project Location:

Municipal Address: 31 Breezewood Bay

Legal Address: Part of: NW Section: 9 Township: 23 Range: 5 West of: 5

Subdivision Name (if applicable) _____ Lot: 12 Block: 9 Plan: 1811530

Directions / Comments: _____

The subject property is serviced by a private sewage treatment system.

It is a **REQUIREMENT** of Rocky View County that:

1) The applicant provides this documentation completed by a certified installer to verify that the existing septic system is sufficient to accommodate the addition of bedrooms and/or increase of load rates.

OR

2) If a certified installer deems the existing system *insufficient* to accommodate the addition of bedrooms and/or increase of load rates, alterations to the existing system will be necessary, and a permit will be required.

CERTIFIED INSTALLER: Please confirm your findings and complete this form to be brought in by the home owner and/or applicant along with the building permit application. The building permit will not be released until this form is completed and verified by the authority having jurisdiction. Certified Installer information:

Contractor (Company): WR Fox Construction Address: PO Box 232

City: Black Diamond Prov: Alberta Postal Code: T0L0H0

Phone: +1-403-333-6286 Cell: _____ Email: wrf@telus.net

Certified Installers ticket #: PS8244 Installer's Name: Bill Fox

I, _____ have inspected the existing private sewage treatment system at the above noted location and have determined that for the **EXISTING** _____ bedrooms, and for the **ADDITION** of _____ bedrooms in the proposed newly developed area: (please check the applicable box below)

- ☐ the existing system is sufficient to accommodate the above additional bedrooms and/or load rate
- ☒ the existing system is **NOT** sufficient at this time, to properly accommodate the above additional bedrooms and/or load rate and will require a Private Sewage Treatment System Permit. (Please apply for a Private Sewage Permit)

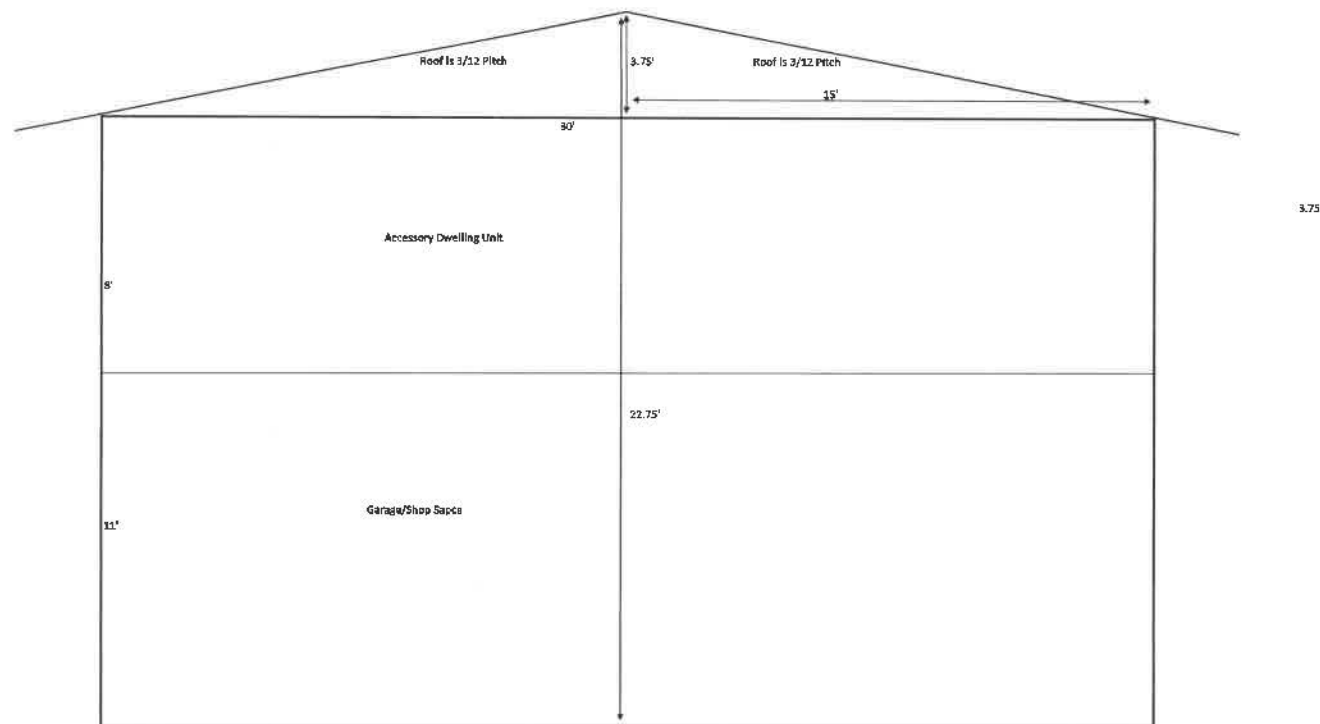
Description of Private Sewage Treatment System that was inspected: _____
 ie. Holding tank & field, etc. Plans are in progress for upgraded septic system Application: PRPS20201956

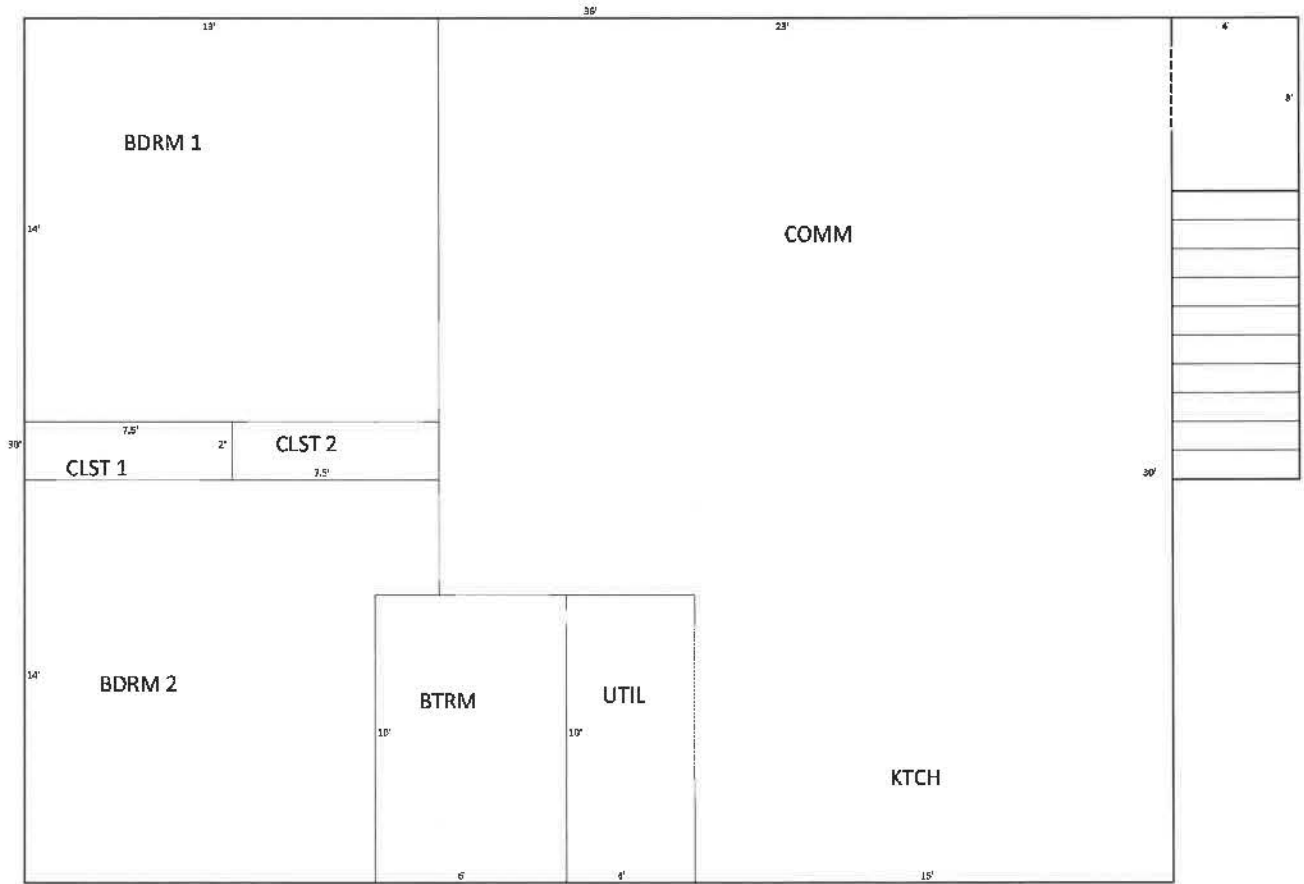
Installer's Signature: _____

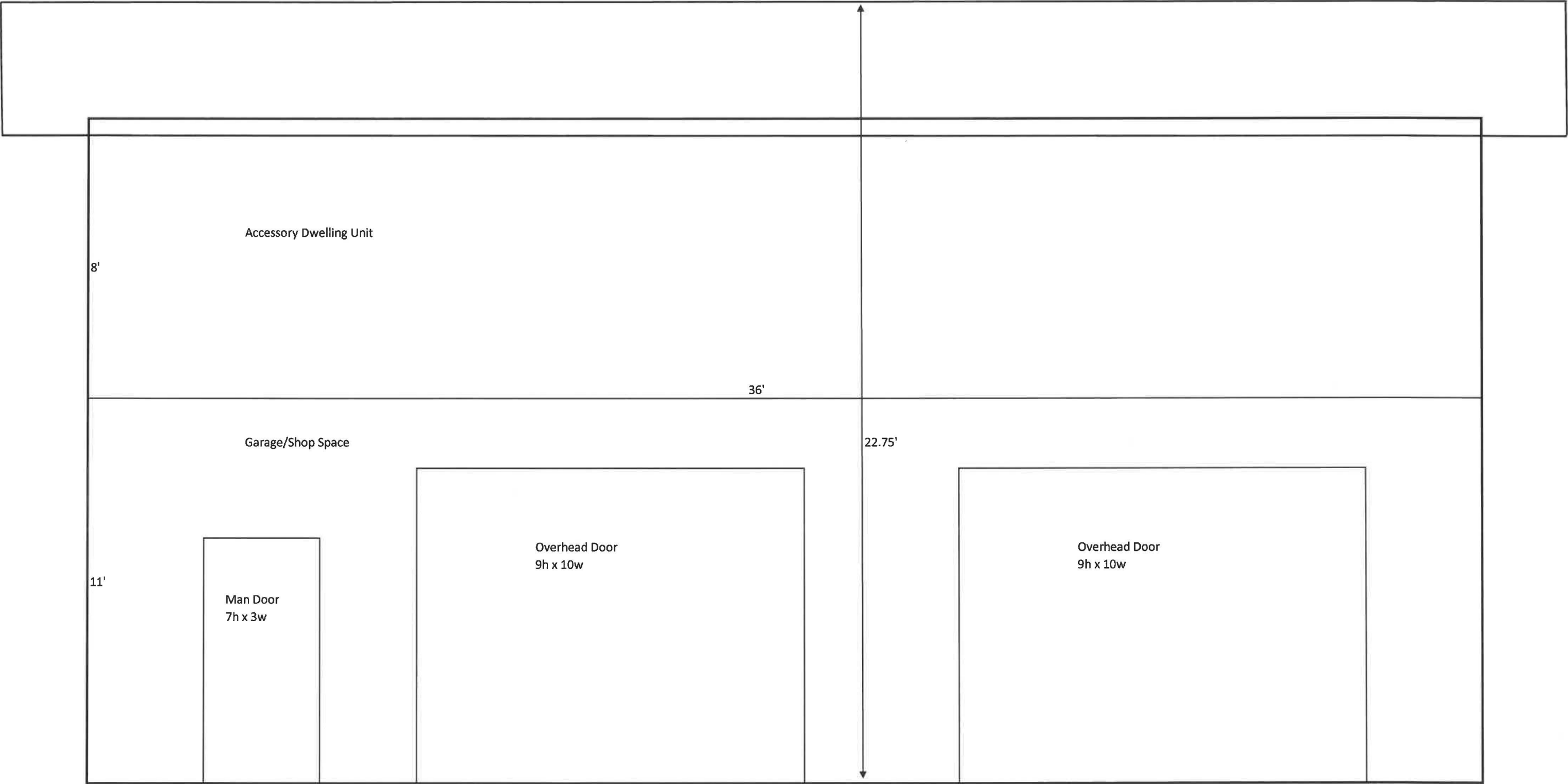
The personal information provided as part of this application is collected under the Safety Codes Act and the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. The name of the permit holder and the nature of the permit is available to the public upon request. If you have any questions about the collection or use of the personal information provided, please contact the municipality.

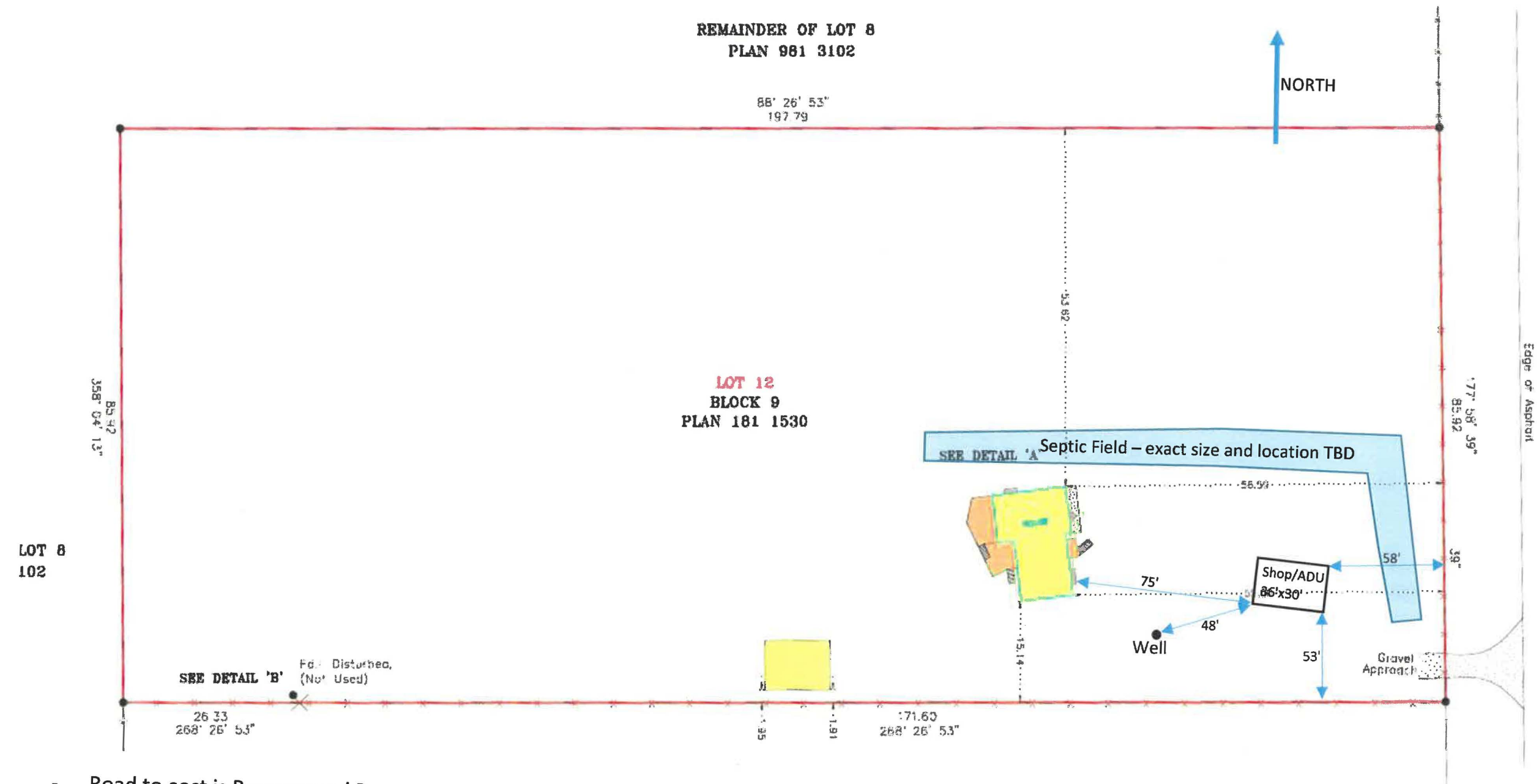
FOR OFFICE USE ONLY:

☐ Certified Installer verified with AMA (Alberta Municipal Affairs) Checked by SCT _____
<https://www.alberta.ca/private-sewage-design-tools-and-contractors.aspx>









- Road to east is Breezewood Bay
- Municipal address is 31 Breezewood Bay, Bragg Creek
- Legal description NW-9-23-5-W5M
- For existing building detail see RPR