

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DIVISION: 4
SUBJECT: Development Item: Accessory Building
USE: Permitted use, with Variances

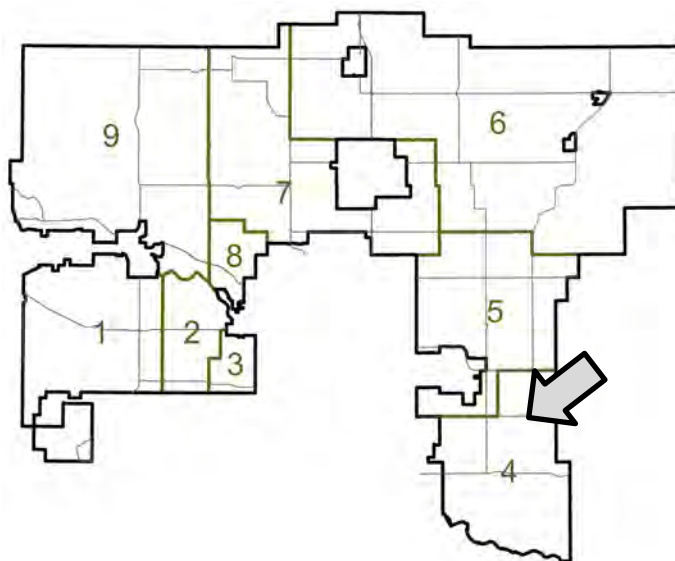
DATE: November 26, 2020
APPLICATION: PRDP20203052

APPLICATION: Accessory Building (existing shed), relaxation of the allowance of an accessory building within a side yard.

GENERAL LOCATION: Located in the hamlet of Langdon.

LAND USE DESIGNATION: Direct Control District 85 (DC 85, Cell 1) and Land Use Bylaw C-4841-97.

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



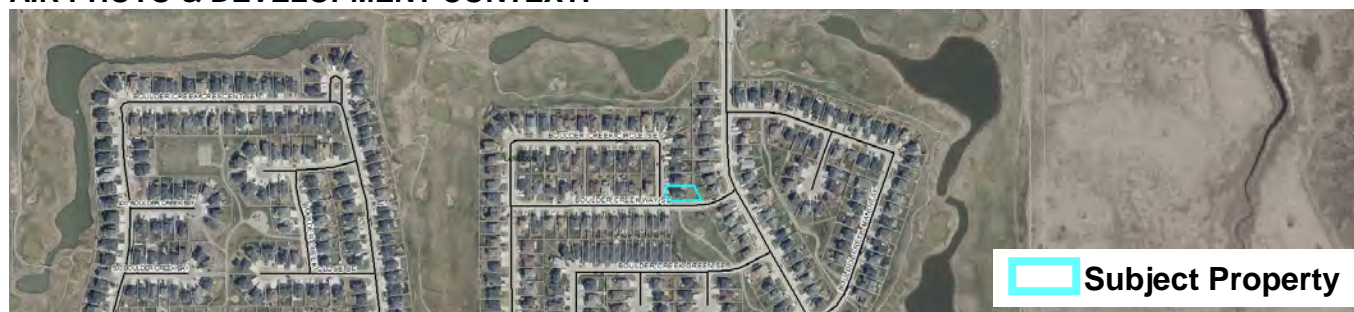
VARIANCE SUMMARY:

Variance	Requirement	Proposed	Percentage (%)
Relaxation of the DC-85 regulation	Accessory Buildings are not permitted within the Front Yard or Side Yard of any Dwelling Unit.	Accessory Building within a Side Yard	N/A

OPTIONS:

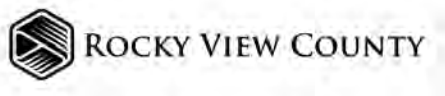
- Option #1: THAT Development Permit Application PRDP20203052 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20203052 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Bronwyn Culham - Planning and Development Services



DEVELOPMENT PERMIT REPORT

Application Date: October 1, 2020	File: 03214151
Application: PRDP20203052	Applicant/Owner: Navigator Law LLP (Kelly Card)
Legal Description: Lot 10, Block 6, Plan 0711240, NE-14-23-27-04	General Location: Located in the hamlet of Langdon
Land Use Designation: Direct Control District 85 (DC-85, Cell 1) and under Land Use Bylaw C-4841-97.	Gross Area: 0.24 acres (0.09 hectares)
File Manager: Bronwyn Culham	Division: 4

PROPOSAL:

The proposal is for an Accessory Building (existing shed), relaxation a DC-85 regulation allowance of an accessory building within a side yard. A Real Property Report was submitted for a stamp of compliance and it was noted that accessory buildings are not permitted within the Front Yard or Side Yard of any Dwelling Unit as per 2.5.2 of DC-85.

DC-85 (C-5783-2003):

The subject land is located within Cell 1, Hamlet Residential Single Family of Direct Control Bylaw (DC-85), in the Boulder Creek Conceptual Scheme. The following sections are relevant to the development.

- 1.2.0 *The General Administration (Part Two) and General Regulations (Part Three) as contained in the Land Use Bylaw (C-4841-97) shall apply unless otherwise specified in this bylaw.*
- 2.0.0 *LAND USE REGULATIONS – HAMLET RESIDENTIAL SINGLE FAMILY DEVELOPMENT CELL 1*
- 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.*
- 2.5.2 *Accessory Buildings are not permitted within the Front Yard or Side Yard of any Dwelling Unit.*
 - As the accessory building is located within the Side Yard of the Dwelling, a variance is required to this regulation

Requirements (Dwelling)				
Section	Regulation	Required	Proposed	Variance
59.5 (c) (LUB)	Yard, Front (dwelling)	6.00 m (19.68 ft.)	7.96 m (26.11 ft.)	0%
2.3.2 a) (DC)	Yard, Side – sites without lanes	1.50 m (4.92 ft.)	1.52 m (4.98 ft.) / 5.18 m (16.99 ft.)	0%

Administration Resources

Bronwyn Culham , Planning and Development Services

59.5 (f) (i) (LUB)	Yard, Rear	8.00 m (26.24 ft.)	16.88 m (55.38 ft.) [dwelling] / 17.44 m (57.21 ft.) [deck]	0%
2.4.1 a) (DC)	Height of Building	11.00 m (36.08 ft.)	Not provided	N/A
2.4.2 a) (DC)	Maximum total site coverage (all buildings)	35.00%	~17.85%	N/A

Requirements (Accessory Building)				
Section	Regulation	Required	Proposed	Variance
59.2 (LUB)	Uses, Permitted	Accessory buildings < 65.00 sq. m (699.65 sq. ft.)	6.25 sq. m (67.27 sq. ft.)	0%
59.5 (c) (LUB)	Yard, Front	6.00 m (19.68 ft.)	lots	0%
59.5 (d) (ii) (LUB)	Yard, Side – sites without lanes	0.60 m (1.96 ft.)	0.75 m (2.46 ft.) / lots	0%
59.5 (f) (ii) (LUB)	Yard, Rear	1.00 m (3.28 ft.)	lots	0%
2.4.1 b) (DC)	Height of Buildings – (accessory building)	4.60 m (15.09 ft.)	2.43 m (8.00 ft.)	0%
2.4.2 b) (DC)	Maximum coverage of accessory buildings	10%	0.64%	0%
59.6 (d) (LUB)	Total building area for all accessory buildings	90.00 sq. m (968.75 sq. ft.)	6.25 sq. m (67.27 sq. ft.)	0%
59.6 (e) (LUB)	Maximum number of accessory buildings	2	1	0%

Land Use Bylaw (C-4841-97):

Section 28 ACCESSORY BUILDINGS AND USES

28.1 *Other than provided for in Section 7, and Part 4 of this Land Use Bylaw, accessory uses and buildings are discretionary in any Land Use District, whether or not the principal use they are accessory to is a use, permitted, or discretionary.*

Section 67 DIRECT CONTROL DISTRICT (DC)

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 the amenities of the neighborhood nor materially interfere with or affect the use, enjoyment, or value of neighboring properties, issue a Development Permit granting a variance.

- The shed is existing and there appears to be no enforcement concerns. As such Administration is of the opinion that granting this variance would not unduly impact neighbouring properties.

STATUTORY PLANS:

The subject property is located within the Langdon Area Structure Plan and the Boulder Creek Conceptual Scheme. These plans do not provide guidance on applications of this nature. As such, this application was evaluated in accordance with DC-85 and the Land Use Bylaw.

INSPECTOR'S COMMENTS:

October 30, 2020

- Accessory building is well screened from road by a fence
- Shed in good condition
- Many other sheds seen from side yard

CIRCULATIONS:

Development Compliance Officer Review

No comments received

Planning and Development Services - Engineering Review

No comments received

OPTIONS:

Option #1 (this would allow the proposed development to remain)

APPROVAL, subject to the following conditions:

Description:

1. That the accessory building (existing shed, 6.25 sq. m (67.27 sq. ft.) in area) shall be permitted to remain in the side yard setback of the property, in accordance with the Real Property Report prepared by Arc Surveys Ltd., (File No.: 202198) dated August 27, 2020.

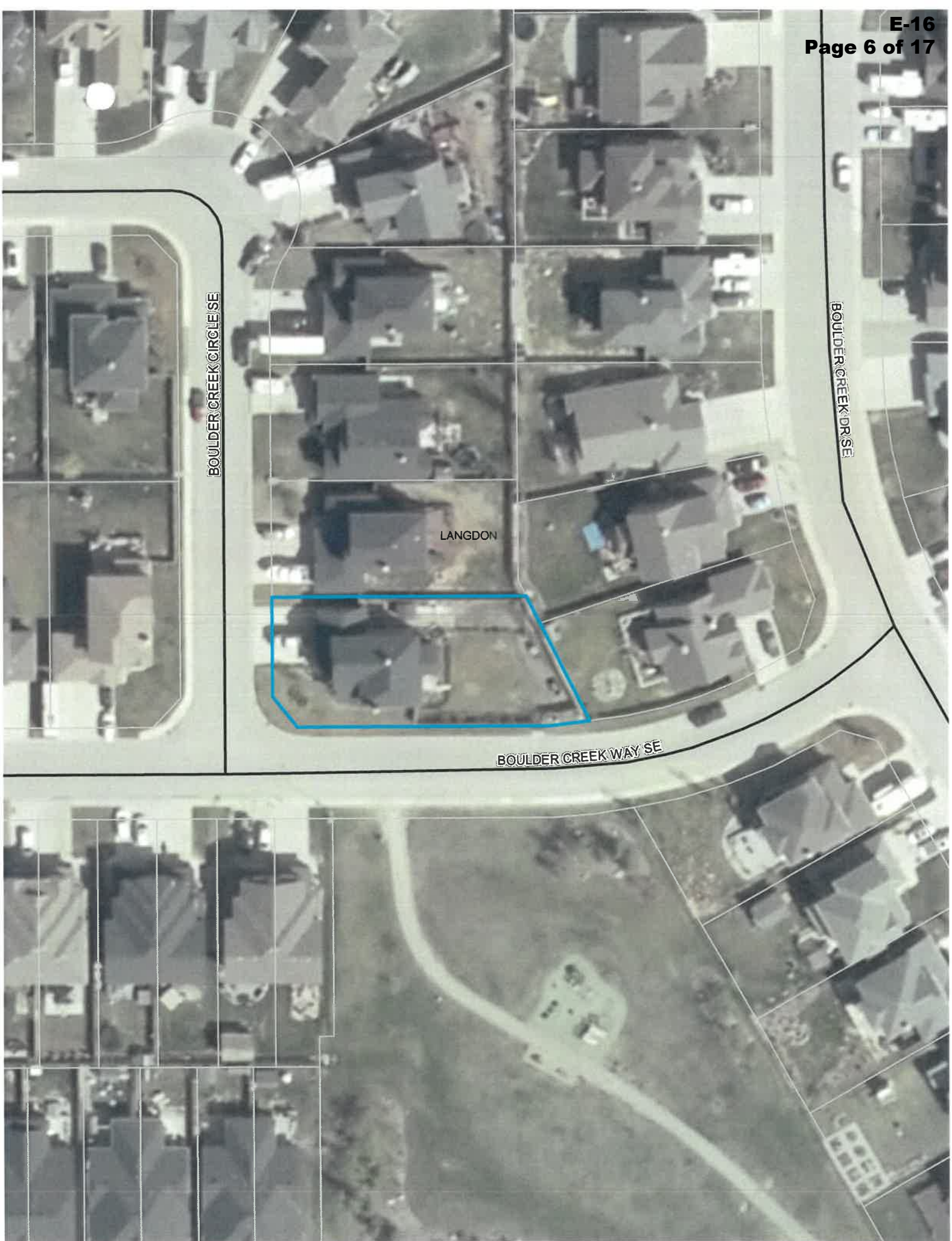
Advisory:

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 to remain)

1. That the accessory building (existing shed, 6.25 sq. m (67.27 sq. ft.) in area) shall be relocated to the rear yard of the property, to be in compliance with Direct Control District 85 Regulation 2.5.2.

2. 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.



DEAD HORSE RD SE

BOULDER CREEK CIRCLE SE

BOULDER CREEK WAY SE

BOULDER CREEK GREEN SE

BOULDER CREEK DR SE

BOULDER CREEK CRESCENT SE

ANGDON

DC 85



ROCKY VIEW COUNTY

DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY	
APPLICATION NO.	20203052
ROLL NO.	03214151
RENEWAL OF	
FEES PAID	\$265.00
DATE OF RECEIPT	10/02/2020

APPLICANT/OWNER

Applicant Name: Kelly Card

Email: [REDACTED]

Business/Organization Name (if applicable): Navigator Law LLP

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

Business/Organization Name (if applicable):

LEGAL LAND DESCRIPTION - Subject site

All/part of:	1/4	Section:		Township:		Range:		West of:		Meridian		Division:	
All parts of Lot(s)/Unit(s):	10	Block:	6	Plan:	0711240				Parcel Size (ac/ha):				
Municipal Address: 597 Boulder Creek Circle, Langdon, Alberta								Land Use District:					

APPLICATION FOR - List use and scope of work

Shed on property is not permitted within the side yard. We have been advised by Scott Thompson of Planning and Development to apply for a Development Permit

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) | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant) | <input type="checkbox"/> YES <input 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 type="checkbox"/> NO |
| d. Subject site has direct access to a developed Municipal Road (accessible public roadway) | <input type="checkbox"/> YES <input type="checkbox"/> NO |

AUTHORIZATION

I, Kelly Card (Full name in Block Capitals), hereby certify (initial below):

That I am the registered owner OR xx That I am authorized to act on the owner's behalf.

xx 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.

xx 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.

xx 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 September 21, 2020

Landowner Signature

Date September __, 2020



ROCKY VIEW COUNTY

ACCESSORY BUILDING(s) **INFORMATION SHEET**

FOR OFFICE USE ONLY	
APPLICATION NO.	
ROLL NO.	
DISTRICT	

DETAILS		USE TYPE
Building total floor area (footprint)	64 ft ² (m ² / ft. ²)	<input checked="" type="checkbox"/> Residential
Height of building	8 ft (m / ft.)	<input type="checkbox"/> Agricultural
Total area of all accessory buildings (For Residential/Agricultural parcels)	(m ² / ft. ²)	<input type="checkbox"/> Related to Home-Based Business (HBB), Type II (attach HBB Information Sheet)
		<input type="checkbox"/> Other (specify):
BUILDING DESCRIPTION		BUILDING TYPE
Purpose/use of building (workshop, studio, storage etc.): STORAGE FOR GARDEN TOOLS		<input checked="" type="checkbox"/> Storage Shed
Building material(s): WOOD, PLYWOOD, ASPHALT SHINGLES		<input type="checkbox"/> Barn
Exterior colour(s): BROWN, BEIGE		<input type="checkbox"/> Quonset
Age of building(s), if permits not issued/available: 10 YEARS		<input type="checkbox"/> Farm Building
		<input type="checkbox"/> Detached Garage
		<input type="checkbox"/> Gazebo
		<input type="checkbox"/> ** Shipping Container (Seacan)
		<input type="checkbox"/> Personal Greenhouse/Nursery
		<input type="checkbox"/> Horse Shelter/Stable
		<input type="checkbox"/> Tent (covered)
		<input type="checkbox"/> Other (specify):
VARIANCE(s) REQUESTED (If applicable)		
Describe variances requested: all shed to stay where it is		
Describe reasons for variances (location, storage needs, etc.): Storage needs		
<p>NOTE: Application must include a Site Plan identifying dimensions, area, and location of the building (Including setbacks), floor plan(s), elevations, and requirements of the Development Permit Checklist.</p> <p>Accessory Buildings, Land Use Bylaw, C-8000-2020:</p> <p>* An Accessory Building on a parcel in a Residential District shall be similar to, and complement, the Principal Building in exterior material, colour and appearance.</p> <p>** Where the Accessory Building is a Shipping Container it:</p> <p>a) Shall not be attached, in any way, to a principal building;</p> <p>b) Shall not be stacked in any Non-Industrial District, and</p> <p>c) Shall be visually screened from public roads and adjacent properties in a manner which satisfies the Development Authority.</p>		

Applicant Signature

[Handwritten Signature]

Date

9/18/2020

NAVIGATOR

Law LLP



September 23, 2020

Rocky View County
262075 Rocky View Point
Rocky View County AB T4A 0X2



Attention: Planning

Re: 597 Boulder Creek Circle, Langdon, Alberta

Further to the above noted matter please find enclosed herewith the following:

1. Development Permit Application;
2. Current Title to the Property (property being sold as of September 25, 2020) Title is in current seller's name;
3. Copy of email from ARC Surveys advising us that a Development Permit will need to be ordered;
4. Real Property Report dated August 27, 2020;
5. Color Photographs (as requested);
6. Development Permit Application Checklist;
7. Accessory Building Information Sheet; and
8. FOB with instruments registered on title which are not financial.

We are applying for a Development Permit with respect to the storage shed on the property which unfortunately is within the side yard. The shed is used for storage of lawn maintenance equipment.

Your Legal Guide Focusing On:

- Residential Real Estate (Sales, Purchases, Mortgages)
- Estate Planning (Powers of Attorney, Personal Directives)
- Wills
- Probate & Represented Adult Applications
- Dependent Adult Applications
- Corporate (Incorporations, Partnerships, Societies, Agreements)
- Commercial Real Estate
- Civil, Tax and Estate Litigation
- Tax Planning
- Notary Public



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0032 296 287 0711240;6;10 081 223 865

LEGAL DESCRIPTION
PLAN 0711240
BLOCK 6
LOT 10
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;27;23;14;NE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 071 115 784 +13

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
081 223 865	26/06/2008	TRANSFER OF LAND	\$608,836	CASH & MORTGAGE

OWNERS

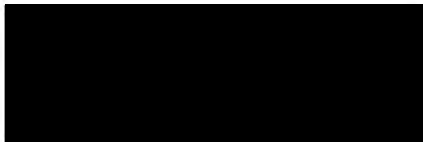
RAFAL D WROBEL

AND

JOLANTA WROBEL

AND

GREG WROBEL



ALL AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
071 115 787	08/03/2007	UTILITY RIGHT OF WAY

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
081 223 865

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
		GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44.
		GRANTEE - FORTISALBERTA INC.
		GRANTEE - ATCO GAS AND PIPELINES LTD.
		GRANTEE - TELUS COMMUNICATIONS INC.
		GRANTEE - PERSONA COMMUNICATIONS CORP.
		AS TO PORTION OR PLAN:0711241
071 115 788	08/03/2007	RESTRICTIVE COVENANT
071 115 791	08/03/2007	CAVEAT RE : EASEMENT
071 115 793	08/03/2007	CAVEAT RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL GOVERNMENT ACT CAVEATOR - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. 911-32 AVE NE CALGARY ALBERTA T2E6X6
071 115 794	08/03/2007	RESTRICTIVE COVENANT
071 115 795	08/03/2007	RESTRICTIVE COVENANT
081 223 866	26/06/2008	MORTGAGE MORTGAGEE - COMPUTERSHARE TRUST COMPANY OF CANADA. C/O MCAP SERVICE CORPORATION <div style="background-color: black; width: 200px; height: 40px; margin: 5px 0;"></div> ORIGINAL PRINCIPAL AMOUNT: \$596,613 (DATA UPDATED BY: TRANSFER OF MORTGAGE 161160027)
TOTAL INSTRUMENTS: 007		

PAGE 3
081 223 865

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 17 DAY OF
SEPTEMBER, 2020 AT 09:54 A.M.

ORDER NUMBER: 40125878

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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.

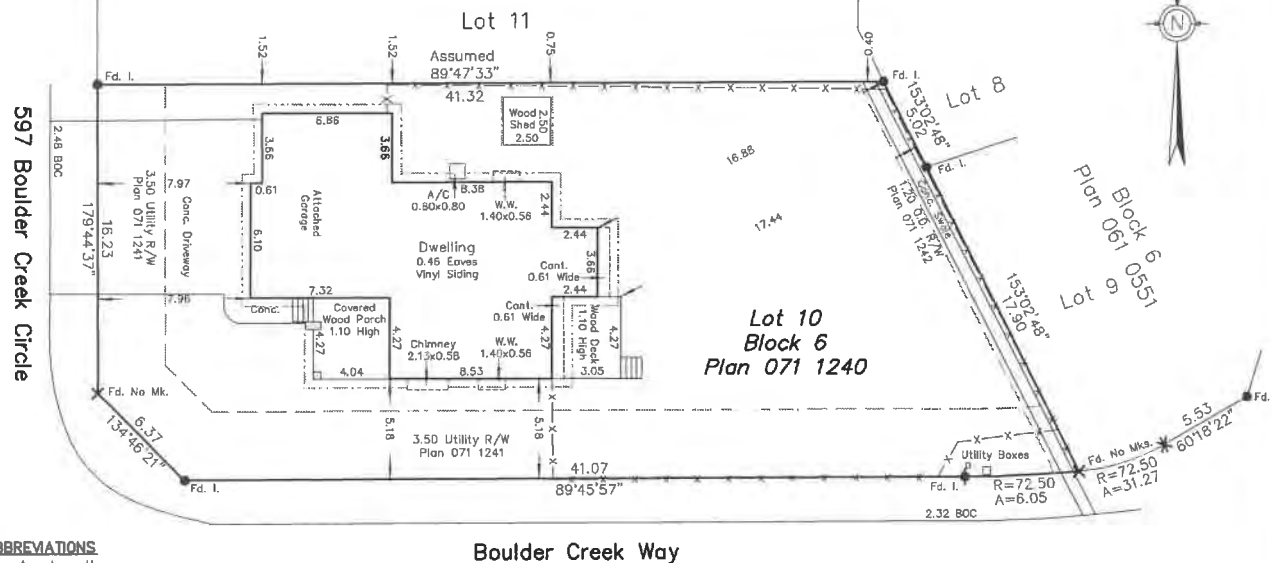
THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .







ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT



ABBREVIATIONS

A---Arc Length
Acc---Accessory
A/C---Air Conditioner
Bldg---Building
BOC---Back of Curb
BOW---Back of Walk
Calc---Calculated
Cant---Cantilever
Conc---Concrete
C.S---Countersunk
DH---Drill Hole
Enc---Encroaches
Fd---Found
I---Iron Post
I.B---Iron Bar
M.A---Maintenance Access
Mk---Mark
O.D---Overland Drainage
P/L---Property Line
R---Radius
Reg---Registration
Ret---Retaining
R/W---Right of Way
W/O---Walkout Basement
W.W---Window Well

NOTE:
UNLESS NOTED OTHERWISE LINES OUTSIDE OF PROPERTY ARE NOT TO SCALE.



LEGAL DESCRIPTION:

Lot 10
Block 6
Plan 071 1240

MUNICIPAL ADDRESS:

597 Boulder Creek Circle, Langdon
Rocky View County, Alberta

DATE OF SURVEY: August 26th, 2020.

LEGEND

Distances are in metres and decimals thereof.

Found Iron Posts are shown thus: ●
Drill Holes are shown thus: ○
Found Iron Bars are shown thus: ×
Found Concrete Nails are shown thus: ◆
Calculation points are shown thus: △
Pillars and posts are shown thus: X
Property lines are shown thus: ———
Utility Right of Ways are shown thus: - - -
Eaves are shown thus: ———
Fences are shown thus: -X-X-
All fences are within 0.2 metres of the property lines unless otherwise shown.
All eaves are measured to fascia unless otherwise shown.

PURPOSE:

This Report and attached 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, or a submission to the municipality for the 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. 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 this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

NOTE:

Title information is based on the C. of T. 081 223 865 which was searched on the 27th day of August, 2020, and is subject to:
Utility Right of Way No.: 071 115 787
Restrictive Covenant No.: 071 115 788, 071 115 794, 071 115 795
Coveat No.: 071 115 791, 071 115 793

CERTIFICATION:

I hereby certify that this report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association Manual of Standard Practice and supplements thereto. Accordingly within those standards and as of the date of this Report, I am of the opinion that:

- the Plan illustrates the boundaries of the Property, the improvements as defined in Part D, Section 8.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, registered easements, and rights-of-way affecting the extent of the title to the property;
- the improvements are entirely within the boundaries of the Property
- no visible encroachments exist on the Property from any improvements situated on an adjoining property
- no visible encroachments exist on registered easements or rights-of-way affecting the extent of the Property
- unless otherwise specified, the dimensions shown relate to the distances from property boundaries to the foundation walls of buildings at the date of survey.

Dated at Calgary, Alberta on this 27th day of August, 2020.

Jerad Gerein, A.L.S.
This document is not valid unless it bears an original or digital signature in blue ink and an Arc Surveys Ltd. permit stamp in red ink.

Copyright Arc Surveys Ltd. 2020
Arc Surveys Ltd.
#202, 337 41 Avenue N.E.
Calgary, Alberta T2E 2N4
Ph.: 403-277-1272 www.arcsurveys.ca
Fax: 403-277-1275 info@arcsurveys.ca

Surveyed: WC Drawn: QM/QM Scale: 1: 250 0m 2.5 5 10 File No.: 202198