

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DIVISION: 1
SUBJECT: Development Item: *Dwelling, Single Detached*
USE: Discretionary use, with no Variances

DATE: December 10, 2020

APPLICATION: PRDP20203251

APPLICATION: dwelling, single detached (existing), construction of a sunroom and deck.

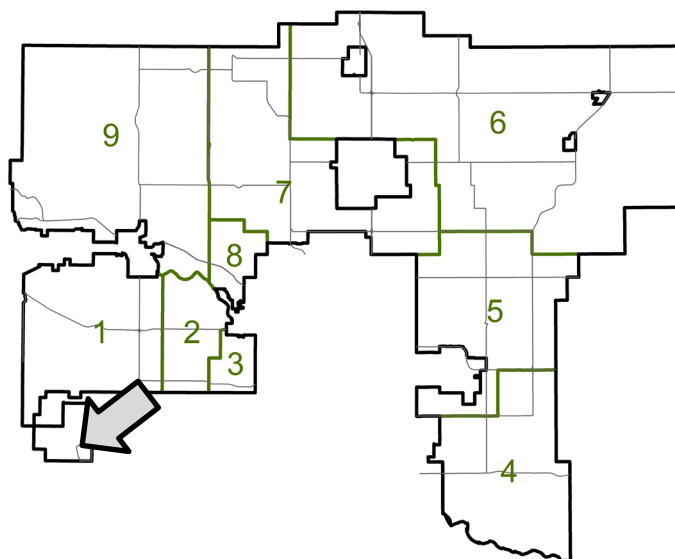
GENERAL LOCATION: located in the hamlet of Bragg Creek

LAND USE DESIGNATION: Residential, Urban District (R-URB) under Land Use Bylaw C-8000-2020

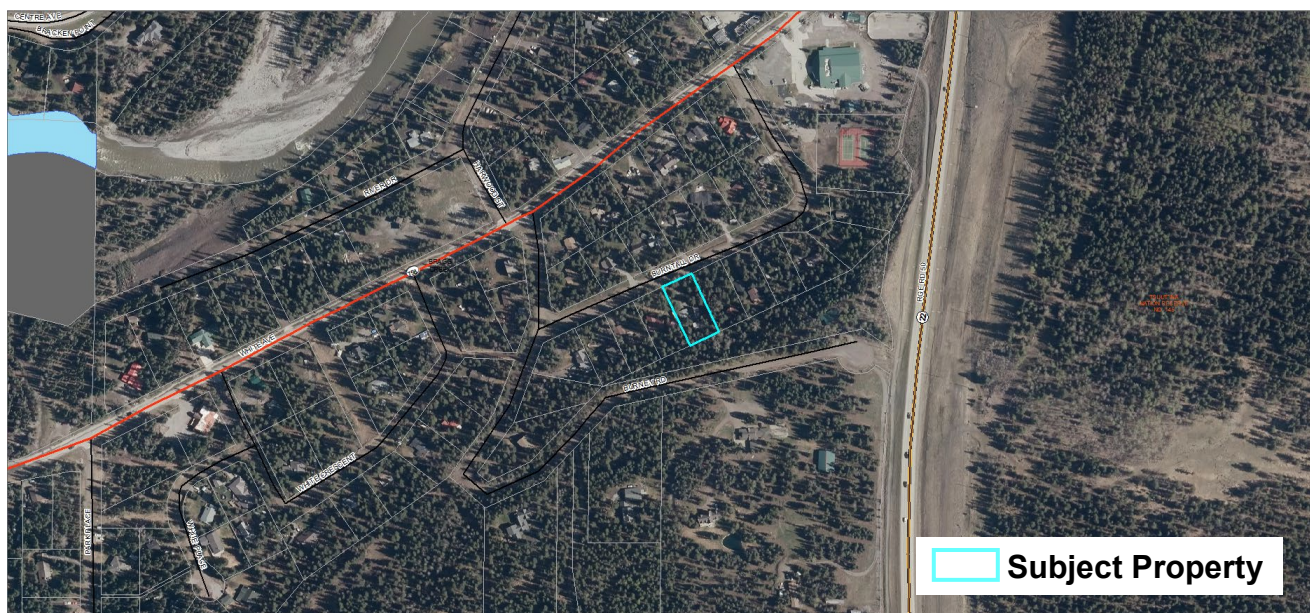
ADMINISTRATION RECOMMENDATION: Administration recommends Approval in accordance with Option #1.

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20203251 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20203251 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 22, 2020	File: 03912144
Application: PRDP20203251	Applicant: Blue Flower Sunrooms (Brad Mitchell) Owner: Kym & Mel Lomenda
Legal Description: Lot 14, Block 2, Plan 820 LK, NE-12-23-05-05	General Location: located in the hamlet of Bragg Creek
Land Use Designation: Residential, Urban District (R-URB) under Land Use Bylaw C-8000-2020	Gross Area: ± 0.18 hectares (± 0.46 acres)
File Manager: Bronwyn Culham	Division: 1

PROPOSAL:

The proposal is for a dwelling, single detached (existing), construction of a sunroom and deck.

- The property is located in the flood fringe area within the hamlet of Bragg Creek. The property is accessed by the existing approach off Burntall Drive.
- The existing single detached dwelling was built in 1977 and renovated in 1999. There are two existing accessory buildings, a garage and shed, and they are compliant with the Residential, Urban District (R-URB) regulations
- The Applicant proposes to construct a 14.54 sq. m (156.56 sq. ft.) addition and deck to the dwelling.
- All habitable areas of the addition, including any mechanical parts will have to comply with 1-100 flood elevation level currently in place by the province. The elevation level appears to be 1,299.45 m above sea level.

Additional Information:

Planning Application:

- There are no related planning applications

Development Permit:

- There is no history for development permit applications

Building Permit History:

- 2004-BP-17207 – Accessory Building (Shed), Occupancy Granted, Mar 18, 2004
- 2004-BP-17208 – Deck Addition Occupancy Granted, Mar 18, 2004
- 1999-BP-13394 - Addition and Renovation to the Single Family Dwelling, Occupancy Granted, Oct 1, 1999
- 1993-BP-3619 - Accessory Building (Garage). Occupancy Granted, Aug 31, 1993
- PRBD20203176 – Residential Addition, Waiting for Applicant Information

Land Use Bylaw (C-8000-2020):

- 201 *In a flood fringe area, mechanical and electrical equipment within a building shall be located at or above the designated flood level. The minimum ground floor elevation should be above the designated flood level when possible.*
- Noted and conditioned as a requirement
- 202 *If development is approved within the flood fringe area, the first floor of all buildings shall be located at or above the 1:100 year flood level plus 0.5 m (1.64 ft.) freeboard. The Development Authority may allow for variances on the freeboard requirement depending on the site specific conditions.*
- Noted and conditioned as a requirement
- 203 *When a Development Permit is made for any building on an existing lot which is or may be affected by a Floodway or Flood Fringe area, the Development Authority shall require the applicant to submit a geotechnical report or a flood plain/flood hazard mapping study or both, prepared by a qualified professional in accordance with County requirements. These studies shall confirm that there is minimum contiguous developable area suitable for the building and related land on the subject lot and specify any flood mitigation measures to reduce potential damage from a flood event.*
- The subject parcel is located within the Flood Fringe Area however a geotechnical report was not considered essential to this application and was not requested by Engineering Services. AS the addition is for a sunroom addition only, Administration supports the waiver of this regulation.

Residential, Urban District (R-URB)

Section 340 Exceptions

In the Hamlet of Bragg Creek, Dwellings and Accessory Buildings shall be Discretionary Uses

- The dwelling is a discretionary use, due to its location in the County, therefore, a Development Permit is required

Section 336 Maximum Parcel Coverage

- **Permitted:** 25% for principal building and 10% for total of Accessory building
- **Proposed:**
 - Principal Dwelling: ~7.48%
 - Accessory buildings: ~3.54%

Section 337 Maximum Building Height

- **Permitted:** 12.00 m (39.37 ft.);
- **Proposed:** 2.60 m (8.53 ft.), which meets the requirement

*Section 338 Minimum Setbacks (Principal Building):**Front Yard*

- **Permitted:** 6.00 m (19.69 ft.);
- **Proposed:** 29.37 m (96.35 ft.), which meets the requirement.

Side Yard (one side without lane)

- **Permitted:** 3.00 m (9.84 ft.);
- **Proposed:** 9.90 m (32.48 ft.) (west) / 10.13 m (33.23 ft.) + ~7.80 m (25.59 ft.) (deck), (east), which meets the requirement.

Rear Yard

- **Permitted:** 8.00 m (26.25 ft.);
- **Proposed:** ~10.60 m (34.77 ft.) which meets the requirement

STATUTORY PLANS:

This property falls within Greater Bragg Creek Area Structure Plan however, this plan does not provide guidance for applications of this nature. The plan does support the development of residential uses within the hamlet plan area. As such, the application was evaluated in accordance with the Land Use Bylaw C-8000-2020.

INSPECTOR'S COMMENTS:

- An inspection was not completed at the time of report preparation

CIRCULATIONS:

Alberta Transportation

- Regarding application for the following municipal approvals:

Referral / File Number	Description	Location
RSDP032987-1	DEVELOPMENT REFERRAL - PRDP20203251 Dwelling, single detached (existing), construction of a sunroom and deck	Highway 22, 758 NE-12-23-5-5 Lot 14 Block 2 Plan 820 LK

- In reviewing the application, the proposed development falls within the control distance of a provincial highway as outlined in the Highways Development and Protection Act / Regulation. The proposed development, however, will not cause any concern for ongoing highway operation or future highway expansion.
- Pursuant to *Section 25(3)(c)* of the *Highways Development and Protection Regulation*, Alberta Transportation issues an exemption from the permit requirements to Kym & Mel Lomenda for the development listed above.

Building Services Review

- Advisory Condition – Ensure the spatial separation for the entire house with the sunroom is compliant with 9.10.15.
- Take note that translucent cladding material including plastic panels will also be considered glazing for the purposes of calculating the maximum amount of glazing permitted.

ABC articles for applicant/designer information

9.10.15.4. Glazed Openings in Exposing Building Face

- 1) Except as provided in Sentence (6), the maximum aggregate area of glazed openings in an *exposing building face* shall
 - a) conform to Table 9.10.15.4.,
 - b) conform to Subsection 3.2.3., or
 - c) where the *limiting distance* is not less than 1.2 m, be equal to or less than the *limiting distance* squared.

Development Compliance Officer Review

- No comments received

Planning and Development - Engineering Services Review (November 13, 2020)**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 appears to be an existing road approach off of Burntall Drive 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.

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. The development will also be maintaining the natural area as much as possible, which is in accordance with recommended LID measures for minor developments in the Bragg Creek Master Drainage Plan.

Environmental:

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

Operations Division Review

- No comments received

OPTIONS:

Option #1: (this would allow the development to proceed)

APPROVAL, subject to the following conditions:

Description:

- 1) That construction of an addition to the existing dwelling, single detached may take place on the subject land, in accordance with the approved site plan and conditions of this permit.

Permanent:

- 2) That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application or in response to a Prior to Issuance condition shall be implemented and adhered to in perpetuity.
- 3) That Applicant/Owner shall connect the proposed development to the Bragg Creek water distribution and sewer system, if not connected and required.
 - i) That water and wastewater volumes used by the development shall be within the amounts allocated to the subject lands, and all overages shall be billed in accordance with the Master Rates Bylaw and the Water & Wastewater Utilities Bylaw (C-7662-2017).
 - ii) That the Applicant/Owner shall contact County Utility Operations for the installation or relocation of any required water meter. The installation or relocation of the water meter by County Utility Operations shall be at the Applicant/Owner's expense.
- 4) That any flood proofing measures shall be followed in accordance with the Alberta Building Code, good engineering practice and recommendations stated in the Greater Bragg Creek Area Structure Plan.
- 5) That the Applicant/Owner shall ensure that all habitable floor levels are flood-proofed at or above the 1 in 100 flood elevation level. Any construction below this flood level will require engineered flood proofing measures before acceptance by the County.

Note: The required flood elevation level is 1,299.45 m (as per Alberta Environment & Parks)

- 6) That there shall be no more than 1.00 m (3.28 ft.) of fill/topsoil placed adjacent to or within 15.00 m (49.21 ft.) of the proposed addition under construction that 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 the dwelling unit located on the subject site to facilitate accurate emergency response.

Advisory:

- 8) That during construction, the County's Noise Control Bylaw C-5772-2003 shall be adhered to at all times.

- 9) 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 of at an approved disposal facility.
- 10) That a Building Permit shall be obtained, through Building Services prior to any construction taking place, using the Addition checklist.
- 11) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
- 12) 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.

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

APPLICATION NO.

20203251

ROLL NO.

03912144

RENEWAL OF

FEES PAID

\$315.00

DATE OF RECEIPT

OCT 22, 2020

APPLICANT/OWNER

Applicant Name: BRAD MITCHELL

Business/Organization Name (if applicable): BLUEFLOWER SUNROOMS

Landowner Name(s) per title (if not the Applicant): KYM & MEL LOMENDA

Business/Organization Name (if applicable):

LEGAL LAND DESCRIPTION - Subject site

All/part of: ¼ Section: Township: Range: West of: Meridian Division:

All parts of Lot(s)/Unit(s): 14 Block: 2 Plan: 820LK Parcel Size (ac/ha):

Municipal Address: 19 BURNTAIL DR. BRAGG CREEK Land Use District:

APPLICATION FOR - List use and scope of work

NEW DECK AND SUNROOM

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, BRAD MITCHELL (Full name in Block Capitals), hereby certify (initial below):BM That I am the registered owner OR BM That I am authorized to act on the owner's behalf.BM 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.BM 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*.BM **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 OCT. 9, 2020

Landowner Signature

Date

Blueflower Sunrooms

Bay 9- 41070 cook Rd

Rockyview County

T4C 3A2

To whom it may concern,

Blueflower Sunrooms is asking for a development permit for 19 Burntall Drive in Bragg Creek.

We are proposing to remove the existing deck and install a SIP (structural insulated panel) system which will support and insulate a new Sunroom. The project is 11' 3" wide by 13' 10" wide (157 sq ft), glass paneling on 3 sides with a glass roof. The attached documents have elevations of the SIP panel deck and Sunroom for your discretion.

Thank you,

Brad Mitchell

Blueflower Sunrooms

403-851-2089



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0015 954 837 820LK;2;14 101 091 556

LEGAL DESCRIPTION
PLAN 820LK
BLOCK 2
LOT 14
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;5;23;12;NE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 041 167 437

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
101 091 556	30/03/2010	TRANSFER OF LAND	\$650,000	\$650,000

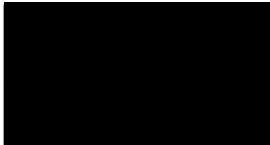
OWNERS

MELVIN GEORGE LOMENDA

AND

KYMBERLIN BINNS

BOTH OF:



ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
101 091 557	30/03/2010	MORTGAGE MORTGAGEE - CIBC MORTGAGES INC. FIRSTLINE MORTGAGES 33 YONGE ST, SUITE 700

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
101 091 556

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
------------------------	--------------	-------------

TORONTO
ONTARIO M5E1G4
ORIGINAL PRINCIPAL AMOUNT: \$385,000

101 136 602 12/05/2010 CAVEAT
RE : ENCROACHMENT AGREEMENT

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 2 DAY OF
OCTOBER, 2020 AT 02:19 P.M.

ORDER NUMBER: 40237806

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).

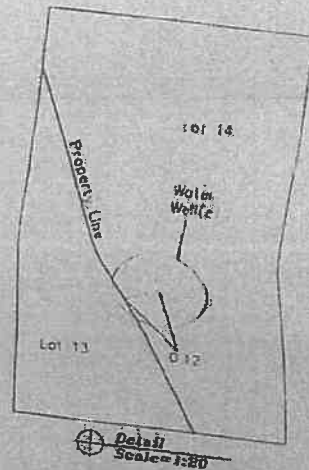
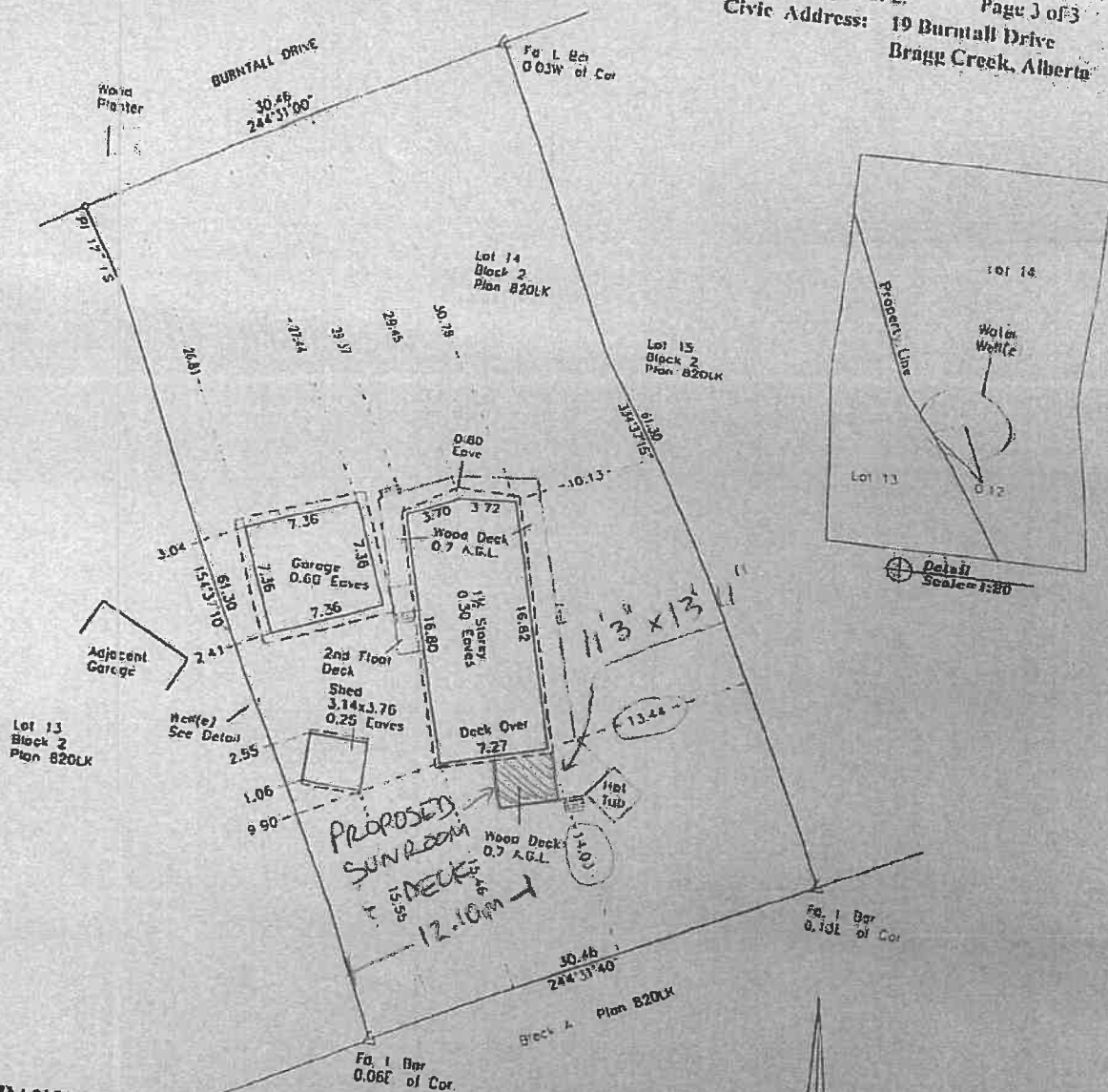


ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT - PLAN

This plan is page 3 of a Real Property Report and is ineffective if it is detached from page 1 or 2.
 Legal Description: Lot 14 Block 2 Plan 820LK

Page 3 of 3

Civic Address: 19 Burntall Drive
 Bragg Creek, Alberta



ENCUMBRANCES:

Registration No.	Particulars
041 167 438	Mortgage - The Bank of Nova Scotia

LEGEND:

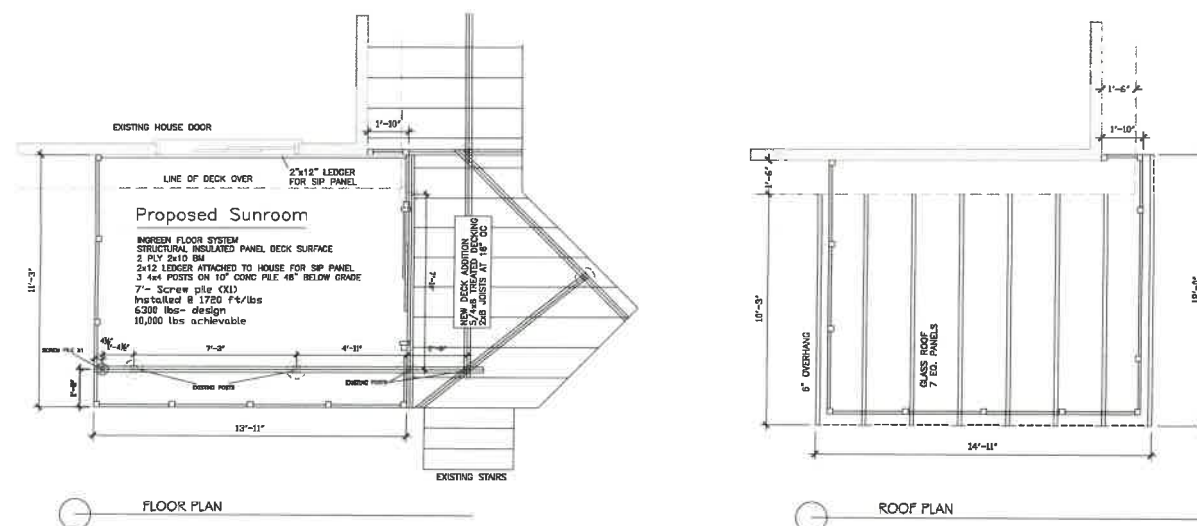
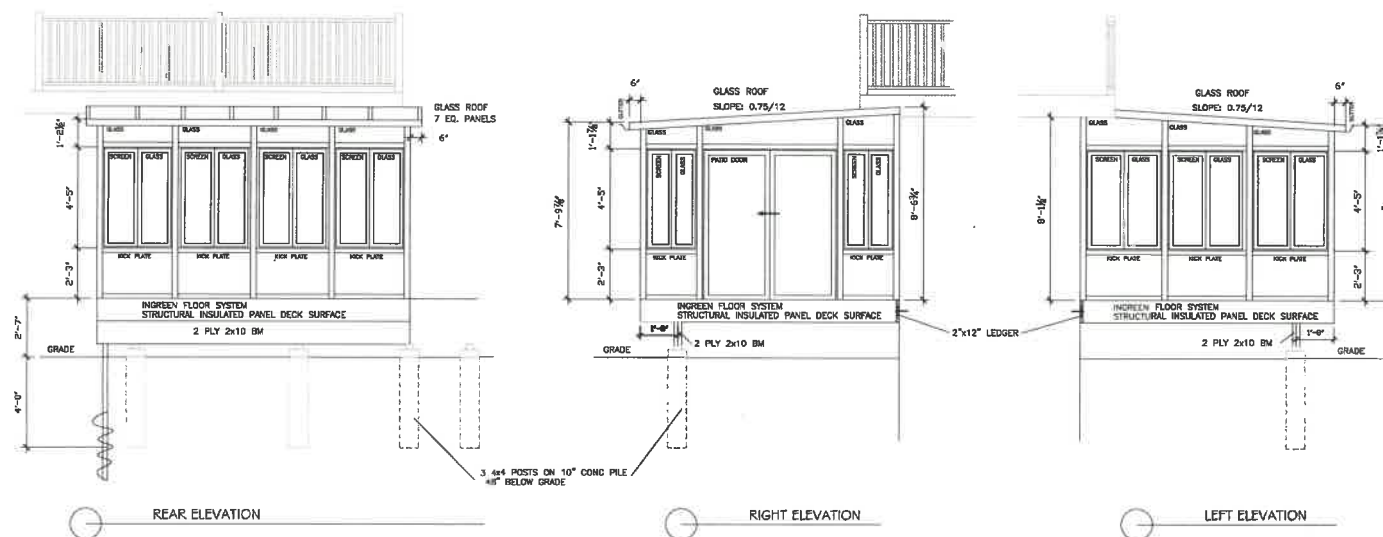
Unless otherwise noted, measurements are made to the extent of the exterior walls.
 Distances are shown in metres and decimals thereof.
 Statutory Iron Posts are shown thus... \bullet
 Calculated points are shown thus... Δ
 () denotes encroachment
 Lines are dimensioned to the line of the fascia



Scale: 1:400 Drawn: RLJ
 File No.: S10-017

SexSmith
 Surveys Ltd.
 100-122 Highway 10, Bragg Creek, Alberta T1X 1M5

NOTE:
PROPOSED ADDITION IS UNCONDITIONED SPACE.
ABC 9.36.1.2.(5) EXCEPT AS REQUIRED BY SENTENCE 9.36.2.1.(8),
BUILDINGS OR PORTIONS OF BUILDINGS THAT ARE NOT REQUIRED TO BE
CONDITIONED SPACES ARE EXEMPTED FROM THE REQUIREMENTS OF THIS SECTION.



PROJECT	
ADDRESS 19 BURNSTALL DR BRAGG CR AB	
DATE 08/19/2020	DRWN JPP
SHEET 1/1 PLANS/ELEVATIONS REVISIONS	SCALE 3/16"=1'0"

