

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission	
DATE:	January 13, 2020	DIVISION: 1
FILE:	03912162	APPLICATION: PRDP20203341
SUBJECT:	Dwelling, Single Detached & Riparian Protection Area / Discretionary uses, with no Variances	

APPLICATION: Dwelling, single detached (existing), construction of a deck within the riparian protection area.

GENERAL LOCATION: Located in the hamlet of Bragg Creek.

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

EXECUTIVE SUMMARY: The application is consistent with the relevant policies of the Bragg Creek Area Structure Plan and the Land Use Bylaw. It is the interpretation of the Development Authority that the proposed construction on the subject land, in conjunction with the conditions of approval, will not pose any impact to adjacent lands nor impact the enjoyment of value of neighbouring properties.

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

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20203341 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20203341 be refused 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.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Christina Lombardo, Planning and Development Services

**APPLICATION EVALUATION:**

The application was evaluated based on the application and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act</i> • Subdivision and Development Regulations • Municipal Development Plan • Bragg Creek ASP • Land Use Bylaw • County Servicing Standards 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • N/A
DISCRETIONARY USE: <ul style="list-style-type: none"> • Dwelling, Single Detached • Development within a Riparian Area 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • Municipal Planning Commission

Additional Review Considerations

There were no technical considerations that warranted additional discussion or conditioning. The proposal is for a Single Family Dwelling (existing) construction of a deck within a riparian area of a Bragg Creek Stream and requires a 30.00m setback or buffer.

A Building Permit application was submitted on October 9, 2020 to replace an existing deck. At that time it was identified that a Development Permit was required as the deck is located within the Riparian area setback. The deck is located at the rear of the dwelling and extends approximately 3.00m into the riparian setback area, therefore a Development Permit is required.

The Bragg Creek Area Structure Plan affects the subject lands, but this document provides no direction on the nature of this application; as such, the application has been assessed in accordance with the Land Use Bylaw.



ROCKY VIEW COUNTY

CONCLUSION:

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

"Theresa Cochran"

"Al Hoggan"

Executive Director
Community Development Services

Chief Administrative Officer

CL/lt

ATTACHMENTS:

ATTACHMENT 'A': Development Permit Report Conditions

ATTACHMENT 'B': Maps and Other Information

**ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS****Description:**

1. That the construction of a deck, on an existing dwelling, single detached, approx. 95.88 sq. m. (1,032.04 sq. ft.) in area may be constructed within the Riparian Protection Area in general accordance with the site plan prepared by Gaillard Design & Plan dated October 15, 2020 (Job.GDP-2020-177-00a.pln) as submitted with the application.

Permanent:

2. That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application, in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity.
3. That the Applicant/Owner shall take effective measures to control dust in the area, so that dust originating therein shall not cause annoyance, or become a nuisance, to adjoining property owners and others in the vicinity of the subdivision area.
4. That the natural vegetation within the Riparian Protection Area shall be preserved, insofar as is reasonable.
5. That any proposed new building(s) shall be located away from the Overland Drainage Easement area, insofar as is reasonable.

Advisory:

6. That during construction, appropriate sediment and erosion control measures shall be implemented at all times.
7. That during construction, 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.
8. That during construction of the addition, the County's Noise Bylaw (C-5772-2003) shall be adhered to at all times.
9. That a Building Permit for the construction, shall be obtained through Building Services prior to any construction taking place.
10. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
11. 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 Officer.

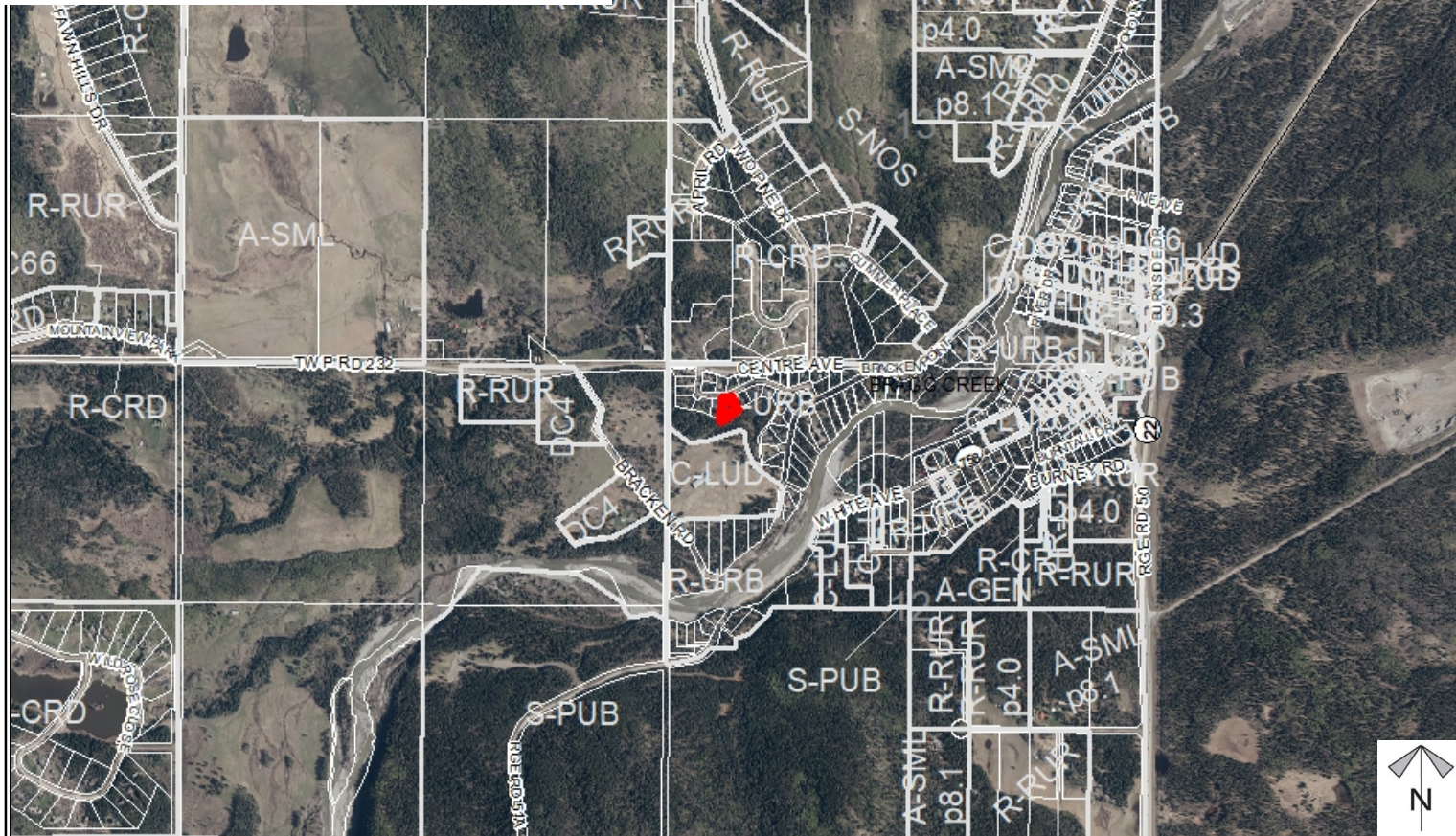


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ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Amber Kusch	OWNER: Martin & Jana Blades
DATE APPLICATION RECEIVED: October 20, 2020	DATE DEEMED COMPLETE: October 20, 2020
GROSS AREA: ± 0.19 hectares (± 0.46 acres)	LEGAL DESCRIPTION: NW-12-23-05-W5
APPEAL BOARD: Subdivision and Development Appeal Board	
PUBLIC & AGENCY SUBMISSIONS: The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	

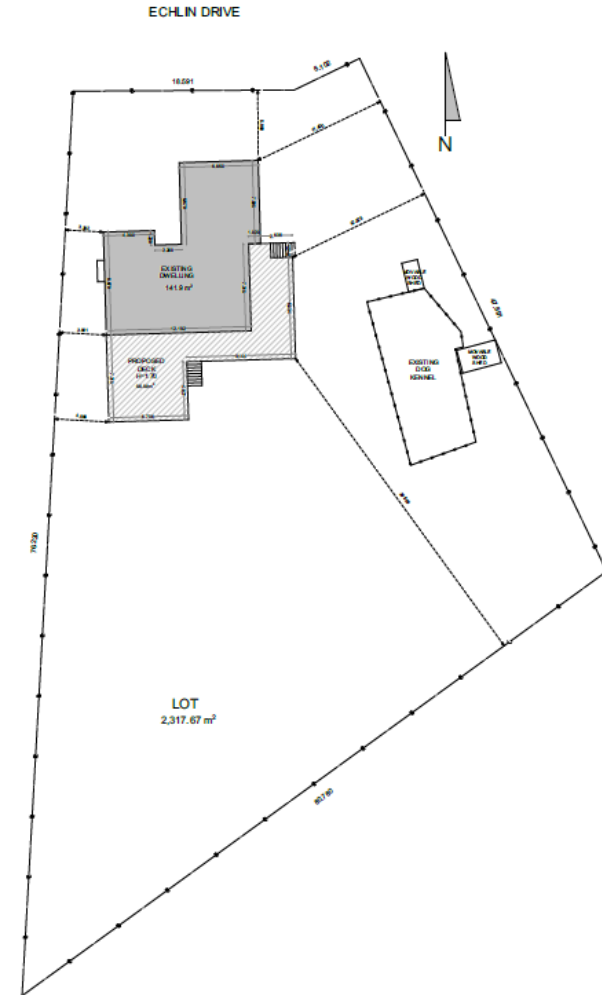
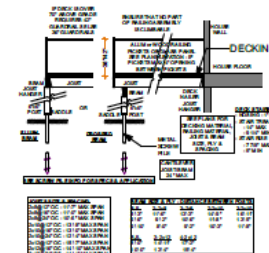
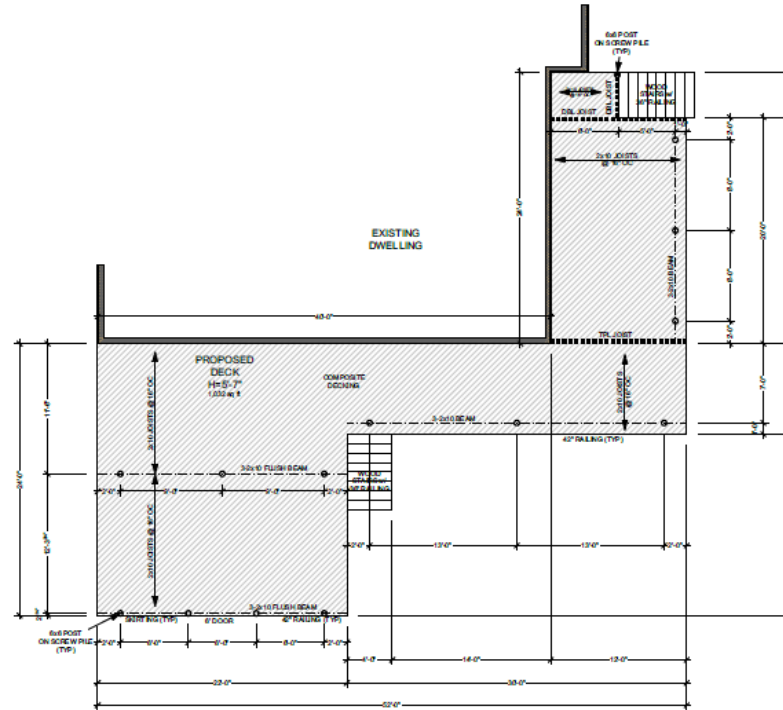
Division: 1
Roll: 03912162
File: PRDP20203341
Printed: December 10, 2020
Legal: Lot:8 Block:1
Plan: 1226 LK; within NW-12-
23-05-W05M



Site Plan

Development Proposal

Construction of a deck within the riparian protection area



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Inspection Photos
December, 2020







