

PLANNING

TO: Council
DATE: October 11, 2022
FILE: 05735070
SUBJECT: Request for Decision: Waiving of Development Permit Re-Application Interval

DIVISION: 4
APPLICATION: PRDP20221211

GENERAL LOCATION: Located approximately 0.20 kilometres (0.08 miles) west of Woodland Road and on the north side of Township Road 255.

LAND USE DESIGNATION: Residential, Rural District (R-RUR).

EXECUTIVE SUMMARY: On September 13, 2022, this item was presented to Council, as Item F-5, and was tabled until October 11, 2022, as per motion approved by Council.

On May 11, 2022, Development Permit application PRDP20221211, relating to a Special Function Business for an indoor and outdoor wedding and events venue, was approved by the Municipal Planning Commission. On June 3, 2022, an affected party appeal was filed by an adjacent landowner; on June 27, 2022, the Subdivision and Development Appeal Board (SDAB) heard the appeal, and on July 11, 2022, the SDAB upheld the appeal and revoked the permit. The SDAB found that the business does not appear to be secondary to the residential nature of the area and subject property; that the proposed development would unduly interfere with the amenities of the neighbourhood, or would materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; and that the development does not conform to the use prescribed for the lands in the Land Use Bylaw (LUB).

In the event of a refusal decision, Section 83 of the LUB (C-8000-2020) prevents Owners/Applicants from re-applying for a development permit of the same or similar use for a period of six months; a Council decision to waive the six month re-application interval is required if the Owners/Applicants wish to re-apply within that six month timeframe.

In support of their application to waive the six month waiting period for re-application, the Applicant/Owner is proposing to amend their development proposal by reducing the total number of wedding events annually from 20 to 15, and to reduce the maximum number of permitted guests from 75 to 50. While the new development proposal is similar to the development proposal refused by the SDAB, proposed amendments would be included in the revised development permit application responding directly to the reasons for refusal.

Administration acknowledges the amendments proposed for the application; however, without any written consent from adjacent landowners, particularly from the affected party, Administration considers the amended proposal would not satisfy the reasons for refusal within the SDAB decision. When considering the revised scope of the proposed development, Administration recommends that the six month re-application interval be denied in accordance with Option #2.

ADMINISTRATION RECOMMENDATION: Administration recommends refusal in accordance with Option #2.

Administration Resources

Wayne Van Dijk, Planning & Development Services

**OPTIONS:**

- Option #1: THAT the requirement of a six-month waiting period for re-application under Section 83 of the County's Land Use Bylaw C-8000-2020 be waived.
- Option #2: THAT the waiver of the six month re-application interval be denied.

BACKGROUND:

The subject lands are zoned Residential, Rural District, where Special Function Business is a Discretionary Use. The name of the business is proposed as "The Barn at Timberlane", and the Applicant/Owner is proposing 'small boutique' type events such as weddings, charity events, and health and wellness events. Events were proposed to occur within the existing building (dwelling, single detached), approximately 190.00 m² (2,045.14 ft.²), with an outdoor event area of approximately 200.00 m² (2,152.78 ft.²) where temporary tents would be set up, dependant upon event needs. The Applicant/Owner had provided an Action Plan and implemented various control measures to address event/noise monitoring, public engagement, and waste management. The Applicant/Owner has stated they would implement a 10:00 pm curfew for outside events; events would then go inside to reduce potential noise impacts. Noise Control Bylaw C-8067-2020 would be adhered to at all times, and all events would conclude at 11:00 pm.

Sections 83 and 85 of the LUB state:

"Where an application for a Development Permit is refused, the submission of a second application for the same or similar development on the same parcel, may not be made for a period of six (6) months from the date of issue of the refusal, except where waived by Council.

...

The determination of what constitutes the same or similar development shall be made by the Development Authority."

As the Applicant is only reducing the scale of the operation and not changing the intended use, Administration considers that the proposed revised application is for the same or similar use as the previous development permit submission. The six month re-application interval period does not conclude until January 11, 2023; therefore, a Council decision is required to waive this waiting period to allow for the development permit re-application to move forward with the standard development permit process.



ROCKY VIEW COUNTY

AIR PHOTO & DEVELOPMENT CONTEXT:

Respectfully submitted,

"Brock Beach"

 Acting Executive Director
 Community Services

WVD/rp

Concurrence,

"Dorian Wandzura"

 Chief Administrative Officer
ATTACHMENTS:

ATTACHMENT 'A': Waiver Request Letter

ATTACHMENT 'B': Map Set