

## **PLANNING AND DEVELOPMENT SERVICES**

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**TO:** Municipal Planning Commission  
Development Authority  
**DIVISION:** 2

**DATE:** January 27, 2021  
**APPLICATION:** PRDP20203559

**FILE:** 04716012

**SUBJECT:** Accessory Buildings & Accessory Dwelling Unit / Discretionary use, with Variances

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**APPLICATION:** Construction of an accessory building (oversize stable) including an accessory dwelling unit (suite within an accessory building) and relaxation of the maximum height requirement, relaxation of the minimum side and rear yard setback requirement for three (3) accessory buildings.

**GENERAL LOCATION:** Located on the southwest junction of Rge. Rd. 33A and Twp. Rd. 243

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

**EXECUTIVE SUMMARY:** The application is for the construction of a 195.10 sq. m (2,100.00 sq. ft.) stable with a 62.11 sq. m (668.56 sq. ft.) Accessory Dwelling Unit (ADU) on the second floor. The building is oversize and requires a variance 2.68% and over height, requiring a variance of 8.57%. It meets all other ADU requirements.

There are four (4) existing accessory buildings on site that were constructed without permits, three (3) of which require setback variances: side yard setback variance of 70.33% and 67.67% and a rear yard setback variance of 26.43%.

The parcel abuts a County owned Municipal Reserve parcel to the north. The four (4) existing accessory buildings and the proposed stable/ADU are all located along the northern portion of the property. Additionally, the stable/ADU will be nestled between some existing mature trees which will provide visual buffering. As such, it is anticipated that there will be minimal impacts to adjacent lands by the development.

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

### **OPTIONS:**

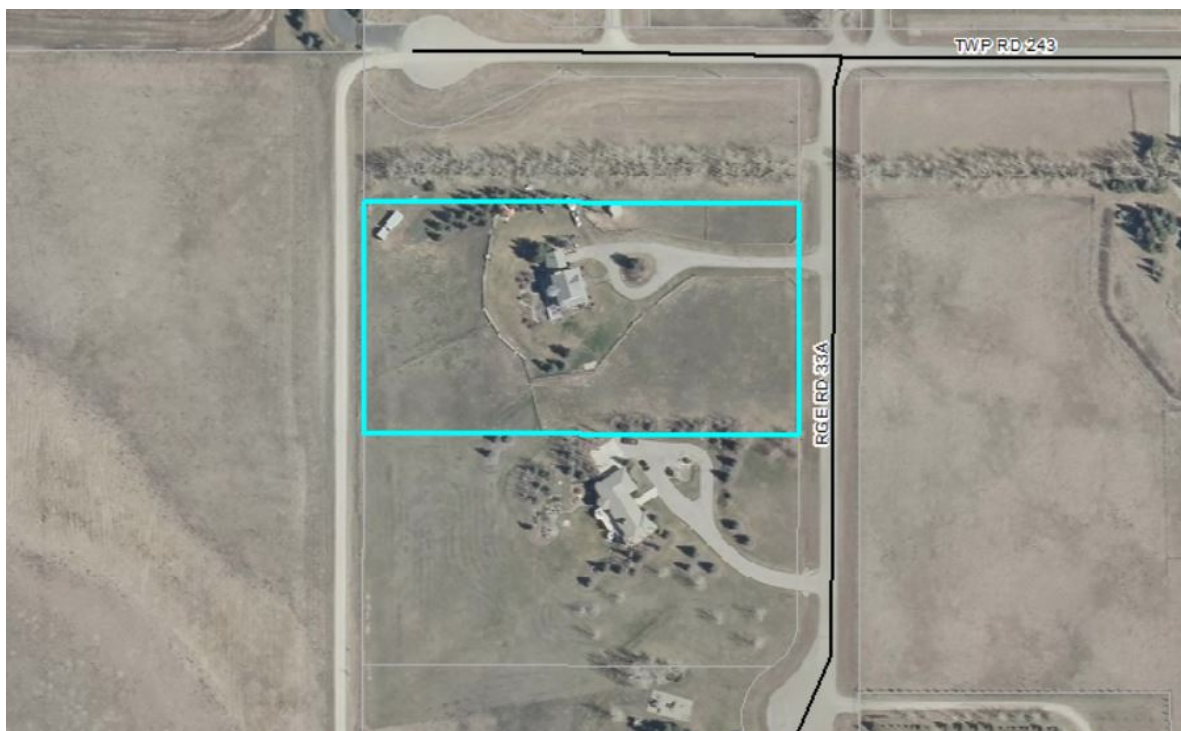
- Option #1: THAT Development Permit Application PRDP20203559 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20203559 be refused.

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### **Administration Resources**

Sandra Khouri, Planning & Development Services

**AIR PHOTO & DEVELOPMENT CONTEXT:**



**VARIANCE SUMMARY:**

Variance	Requirement	Proposed	Percentage (%)
Permitted Accessory Building Area	190.00 sq. m (2045.14 sq. ft.)	195.10 sq. m (2,100.00 sq. ft.)	2.68%
Accessory Building Height	7.00 m (22.97 ft.)	7.60 m (24.92 ft.)	8.57%
Side Yard Setback (Accessory Building 1)	3.00 m (9.84 ft.)	0.97 m (3.18 ft.)	67.67%
Side Yard Setback (Accessory Building 2)	3.00 m (9.84 ft.)	0.89 m (2.92 ft.)	70.33%
Rear Yard Setback (Accessory Building 3)	7.00 m (22.97 ft.)	5.15 m (16.90 ft.)	26.43%

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"><li>• <i>Municipal Government Act</i>;</li><li>• Central Springbank Area Structure Plan;</li><li>• Land Use Bylaw; and</li><li>• County Servicing Standards.</li></ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"><li>• Private Sewage Treatment System assessment (prepared by ABC Septic Inc., November 23, 2020)</li></ul>
<b>PERMITTED USE:</b> <ul style="list-style-type: none"><li>• Accessory Building &gt; 190 m<sup>2</sup> (2045.14 ft<sup>2</sup>) is a discretionary use;</li><li>• Accessory Dwelling Unit is a discretionary use</li></ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> Municipal Planning Commission

Additional Review Considerations

Conditions were set based on the following items:

*Site Servicing*

The ADU will be connected to the existing septic field and water well for the principle dwelling. The Applicant has provided a Private Sewage Treatment System evaluation from a certified installer confirming that the system has sufficient capacity for an additional dwelling unit.



**CONCLUSION:**

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

Respectfully submitted,

Concurrence,

"Theresa Cochran"

"Al Hoggan"

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Executive Director  
Community Development Services

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Chief Administrative Officer

SK/sl

**ATTACHMENTS:**

ATTACHMENT 'A': Development Permit Conditions

ATTACHMENT 'B': Maps and Other Information



ROCKY VIEW COUNTY

## ATTACHMENT 'A': DEVELOPMENT PERMIT CONDITIONS

**Description:**

- 1) That an accessory dwelling unit (suite within an accessory building, approximately 62.11 sq. m (668.56 sq. ft.) in habitable floor area), located above a stable, approximately 195.10 sq. m (2,100.00 sq. ft.) in size, may be constructed on the subject land in accordance with the drawings prepared by Jackson McCormick Design Group dated 2020-11-03 (project no. 2020-19) as submitted with the application.
  - a. That the maximum height of the accessory dwelling unit is relaxed from **7.00 m (22.97 ft.)** to **7.60 m (24.92 ft.)**; and
- 2) That the four (4) existing accessory buildings may remain on the subject property, in accordance with the site plan and details provided with the application.
  - a. That the minimum side yard setback requirement for one accessory building is relaxed from **3.00 m (9.84 ft.)** to **0.97 m (3.18 ft.)**;
  - b. That the minimum side yard setback requirement for one accessory building is relaxed from **3.00 m (9.84 ft.)** to **0.89 m (2.92 ft.)**; and
  - c. That the minimum rear yard setback requirement for one accessory building is relaxed from **7.00 m (22.97 ft.)** to **5.15 m (16.90 ft.)**.

**Prior to Issuance:**

- 3) That prior to issuance of this permit, the Applicant/Owner shall confirm acceptance of or refusal to participate in the Voluntary 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 residential unit.

**Permanent:**

- 4) That there shall be a minimum of one (1) parking stall maintained on-site at all times dedicated to the accessory dwelling unit.
- 5) That the accessory dwelling unit shall be constructed on a permanent foundation and shall include sleeping, sanitary, and cooking facilities.
- 6) That a distinct County address for the new dwelling unit, in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), shall be located on the subject site, to facilitate accurate emergency response.
- 7) That the accessory dwelling unit shall be subordinate to the dwelling, single detached.
- 8) That there shall be adequate water servicing provided for the accessory dwelling unit.
- 9) That there shall be adequate wastewater servicing provided for the accessory dwelling unit and that the Applicant/Owner is responsible for obtaining all permits for the new or expanded private sewage treatment system.
- 10) That the exterior siding and roofing materials of the accessory dwelling unit shall be similar to the existing dwelling, single-detached and/or area.
- 11) That there shall be no more than 2.00 m (6.56 ft.) of excavation or 1.00 m (3.28 ft.) of fill placed adjacent to or within 15.00 m (49.21 ft.) of the proposed unit under construction that is used to establish approved final grades unless a Development Permit has been issued for additional fill.
- 12) That no accessory buildings shall be used for commercial purposes at any time unless otherwise permitted.



## ROCKY VIEW COUNTY

- 13) 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 and includes the following:

**Advisory:**

- 14) That prior a building permit shall be obtained through Building Services for the accessory building (stable) and accessory dwelling unit prior to construction taking place.
- 15) That during construction, the County's Noise Control Bylaw C-5772-2003 shall be adhered to at all times.
- 16) That the site shall be maintained in compliance with County Bylaw C-7690-2017, the "Nuisance and Unsightly Property Bylaw", at all times. Any debris or garbage generated on the site shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- 17) 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.
- 18) That any other Federal, Provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 19) That if this Development Permit is not issued by **July 31, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.



ROCKY VIEW COUNTY

## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<b>APPLICANT:</b> Todd Jackson (Jackson McCormick Design Group)	<b>OWNER:</b> David Boomer & Heather Tilroe
<b>DATE APPLICATION RECEIVED:</b> November 5, 2020	<b>DATE DEEMED COMPLETE:</b> December 17, 2020
<b>GROSS AREA:</b> ± 1.63 hectares (± 4.03 acres)	<b>LEGAL DESCRIPTION:</b> Lot 3, Plan 8911660; NE-16-24-03-W05M
<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board	
<b>HISTORY:</b> N/A	
<b>AGENCY SUBMISSIONS:</b> The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	





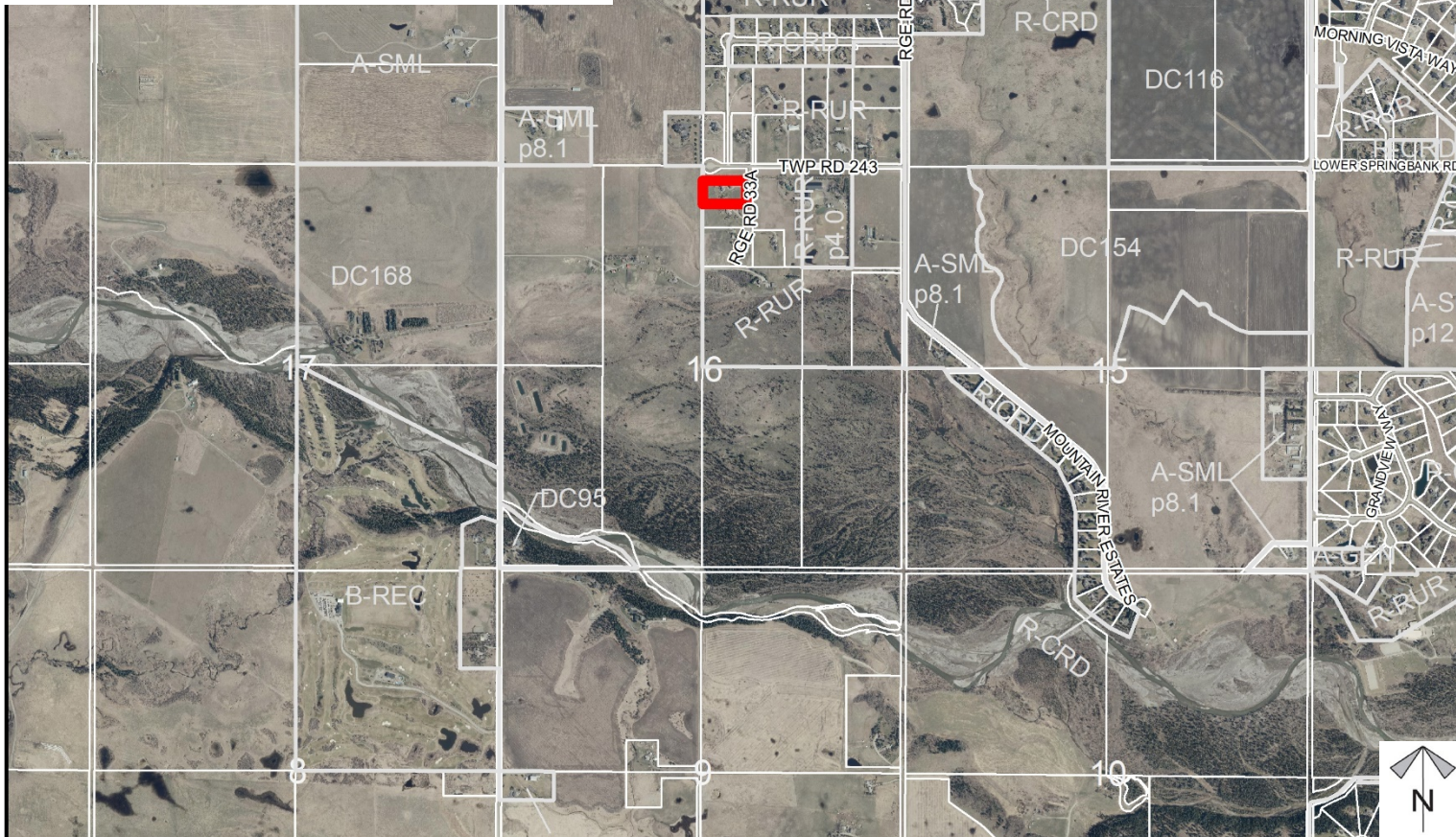
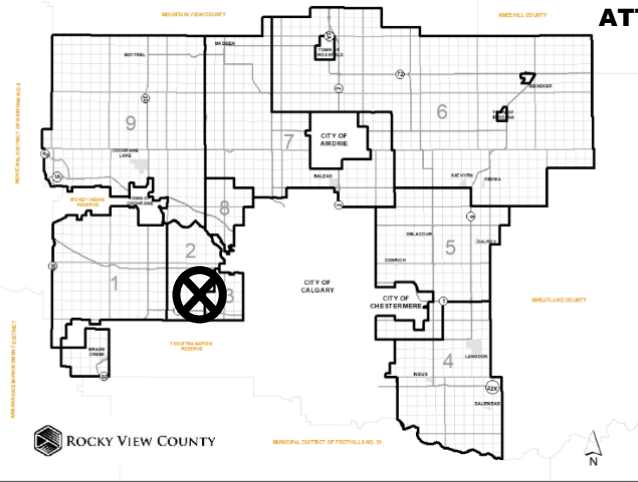
## Location & Context

### Development Proposal

Construction of an accessory building (oversize stable) including an accessory dwelling unit (suite within an accessory building) and relaxation of the maximum height requirement, relaxation of the minimum side and rear yard setback requirement for three (3) accessory buildings

Division: 02  
Roll: 04716012  
File: PRDP20203559  
Printed: Jan 11, 2021  
Legal: Lot:3 Plan:8911660  
within NE-16-24-03-W05M

## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

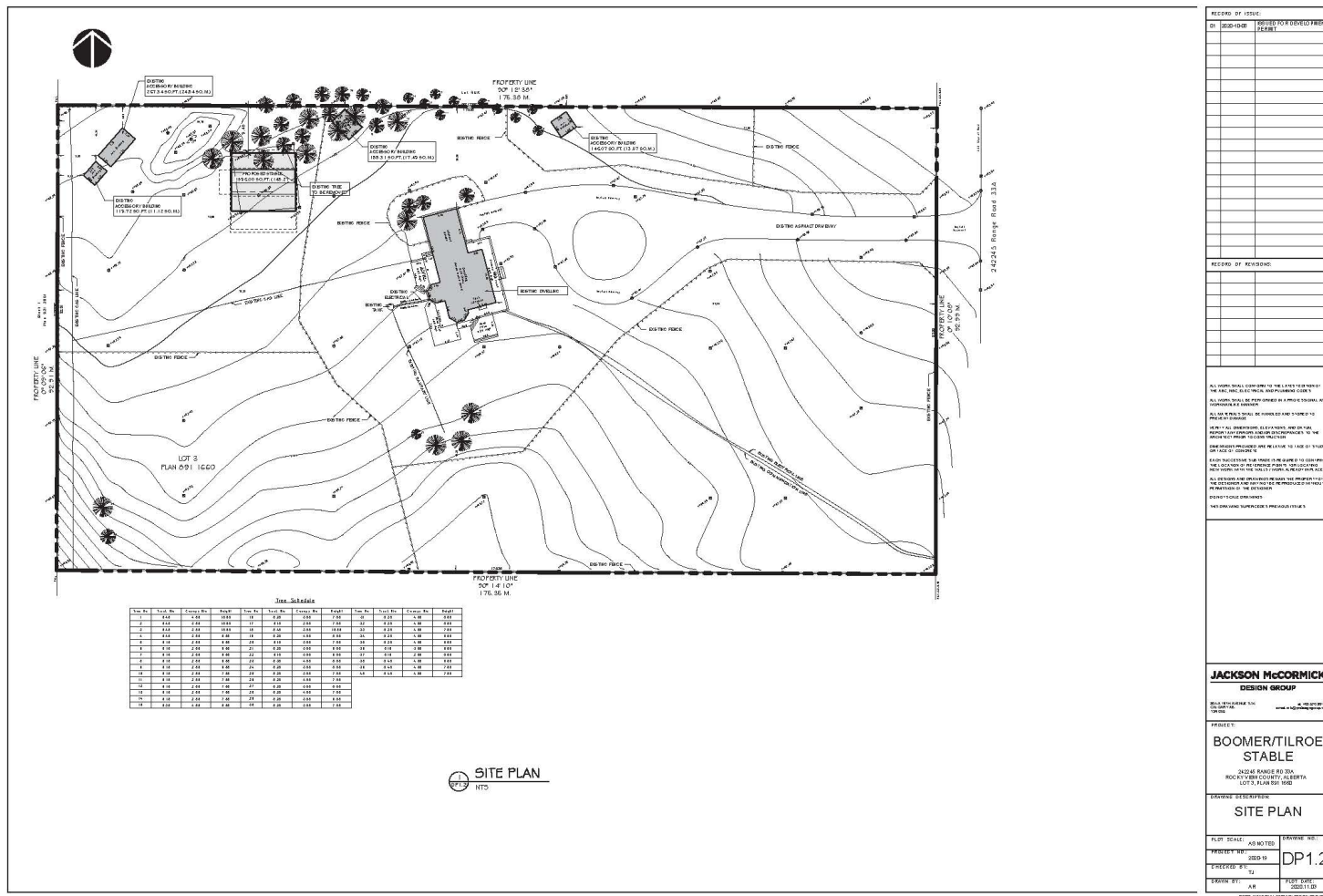




## Site Plan

## Development Proposal

Construction of an accessory building (oversize stable) including an accessory dwelling unit (suite within an accessory building) and relaxation of the maximum height requirement, relaxation of the minimum side and rear yard setback requirement for three (3) accessory buildings

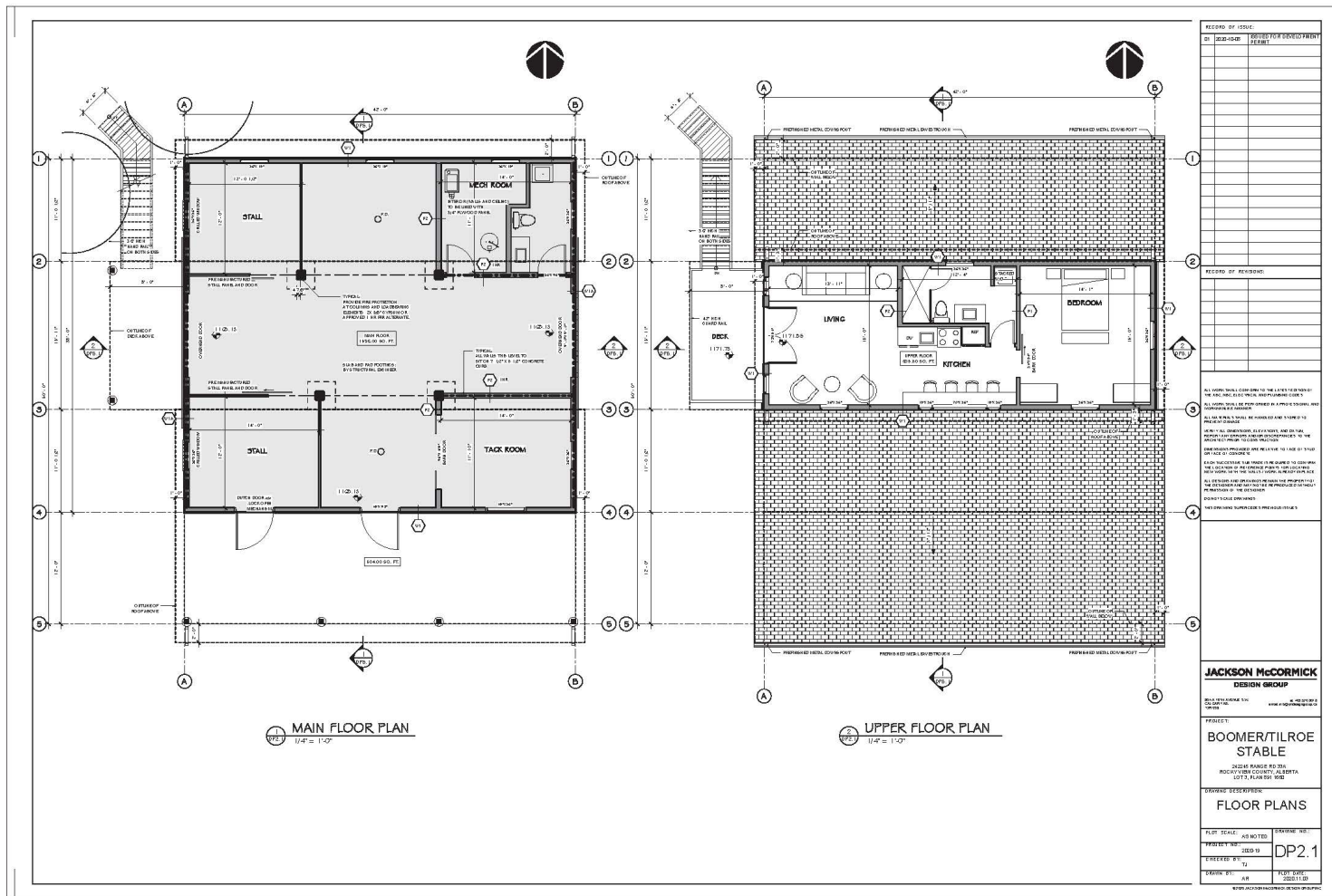


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## Floor Plan

### Development Proposal

Construction of an accessory building (oversize stable) including an accessory dwelling unit (suite within an accessory building) and relaxation of the maximum height requirement, relaxation of the minimum side and rear yard setback requirement for three (3) accessory buildings

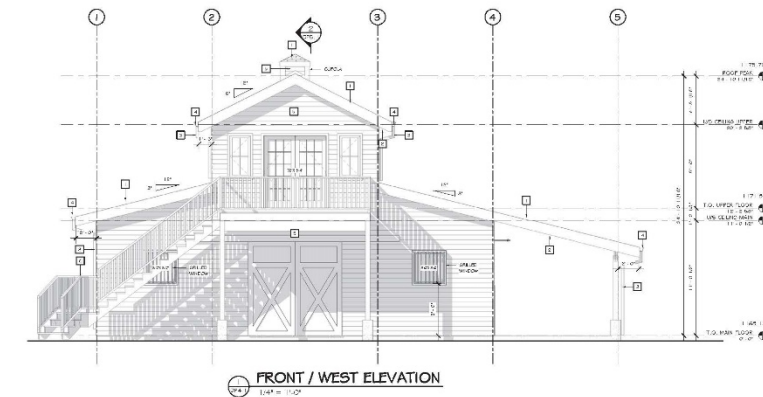


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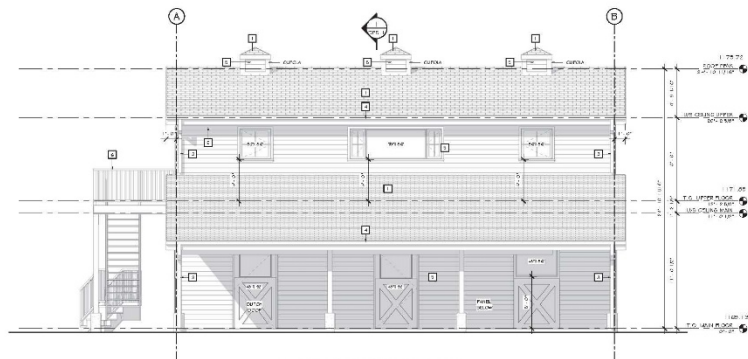
## West/South Elevation

### Development Proposal

Construction of an accessory building (oversize stable) including an accessory dwelling unit (suite within an accessory building) and relaxation of the maximum height requirement, relaxation of the minimum side and rear yard setback requirement for three (3) accessory buildings



**FRONT / WEST ELEVATION**  
 1/4" = 1'-0"



**RIGHT / SOUTH ELEVATION**  
 1/4" = 1'-0"

#### EXTERIOR FINISH LEGEND

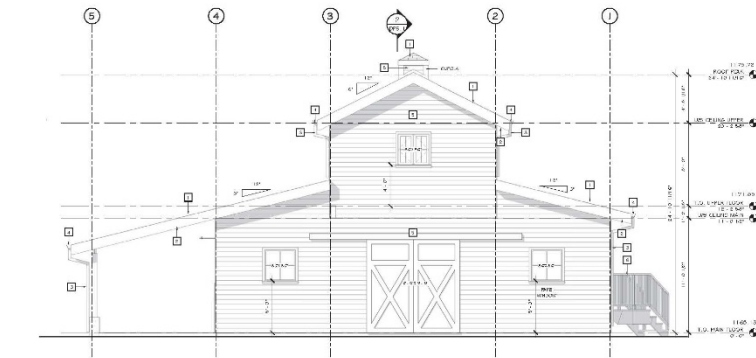
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- ☐ WHITE VINYL SIDING  
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- ☐ PREPAINTED METAL, CORNERPOST  
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- ☐ PREPAINTED METAL, DIVIDER/POST  
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- ☐ HORIZONTAL WOOD SHED  
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- ☐ ROOF: SHINGLES AND FLASHING

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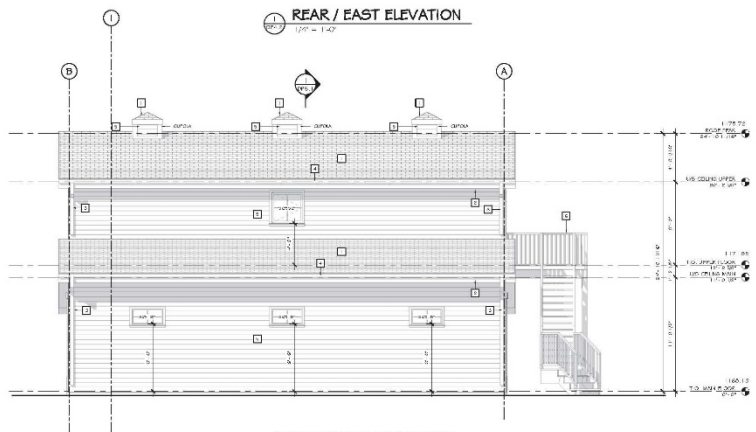
### East/North Elevation

## Development Proposal

Construction of an accessory building (oversize stable) including an accessory dwelling unit (suite within an accessory building) and relaxation of the maximum height requirement, relaxation of the minimum side and rear yard setback requirement for three (3) accessory buildings



REAR / EAST ELEVATION



2 LEFT / NORTH ELEVATION  
174.2 1/4" = 1 1/4"

#### EXTERIOR FINISH LEGEND

- 1 **ASHBLE SMOOTH**  
COLOR: TEAL
- 2 **METAL VENTED GORNET**  
COLOR: TEAL
- 4 **RED METAL MOUNTAIN-POUT**  
COLOR: TEAL
- 4 **DEEPERED METAL MOUNTAIN-POUT**  
COLOR: TEAL
- 5 **HORIZONTAL WOOD GRAIN**
- 6 **WHITE, BLACK AND GRAY**

[illegible][illegible][illegible]

**JACKSON McCORMICK**  
DESIGN GROUP

0046-8711/00/020125-05  
\$05.00/0  
© 2000 Lippincott Williams & Wilkins

BOOMER/TILBOE

BOOMER/TILROE  
STABLE

242245 RANIER RD 304  
ROCKY MOUNT COUNTY, ALBERTA  
LOT 2 PLAN 898 1509

### ELEVATIONS

ELEVATIONS

PLAN SCALE	AS NOTED	SEATING NO. 1
PROJECT NO.	0075-11	DR4 2

DESIGNED BY	DF 4.2
Checked	
DRAWN BY	PLM Rev.

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