

**ROCKY VIEW COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Board Order No.: 2019-SDAB-039
File No.: 03305010; PRDP20191563

Appeal by: Paul Schneider
Appeal Against: Development Authority of Rocky View County

Hearing Date: 2019 August 7
Decision Date: 2019 August 22

Board Members: D. Kochan, Chair
D. Henn
I. Galbraith
H. George
W. Metzger

DEVELOPMENT APPEAL DECISION

INTRODUCTION

[1] This is an appeal to the Rocky View County Subdivision and Development Appeal Board (the Board) from a decision of the Rocky View County Development Authority issued July 8, 2019. In this decision the Development Authority refused a development permit for an addition to an accessory building, and the relaxation of the total building area for all accessory buildings at 230183 Range Road 284 (the Lands).

[2] Upon notice being given, this appeal was heard on August 7, 2019 in Council Chambers of Rocky View County's County Hall, located at 262075 Rocky View Point, Rocky View County, Alberta.

DECISION

[3] The appeal is allowed and the decision of the Development Authority is overturned. A development permit shall be issued subject to the following conditions:

Description:

1. That the construction of an addition to an existing accessory building (oversized garage) approximately 22.30 sq. m (240.00 sq. ft.) in size may proceed in accordance with the site plan submitted with the application and Conditions 2, and 3.
2. That the maximum size of the accessory building is relaxed from **225.00 sq. m (2,421.88 sq. ft.) to 243.03 sq. m. (2,615.95 sq. ft.)**.
3. That the total building area for the all accessory buildings is relaxed from **225.00 sq. m (2,421.88 sq. ft.) to 454.18 sq. m. (4,888.75 sq. ft.)**.

Permanent:

4. That the accessory building (oversized garage) shall not be used for commercial purposes at any time, except for a Home-Based Business Type I.
5. That the accessory building (oversized garage) shall not be used for residential occupancy at any time.

Advisory:

6. That if required, a Building Permit for the proposed accessory building (oversized garage) shall be obtained.
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 any other government permits, approvals, or compliances are the sole responsibility of the Applicant.

BACKGROUND

[4] On May 15, 2019, Paul Schneider (the Applicant) submitted a development permit application for an addition to an existing oversized accessory building.

[5] The Lands are located at NE-05-23-28-W4M, located 0.8 kilometre (1/2 mile) north of Township Road 230, and on the west side of Range Road 284. The Lands are approximately 12.91 hectares (31.91 acres) in area and are owned by Shelia Buckley.

[6] The Lands' land use designation is Residential Two District, which is regulated in section 50 of the Rocky View County, *Land Use Bylaw C-4841-97* [the *Land Use Bylaw*].

[7] On July 8, 2019, the Development Authority refused to grant a development permit on the following grounds:

- (1) The size of the accessory building exceeds the requirement as defined in Section 50.3 of Land Use Bylaw C-4841-97. **Required – 225.00 sq. m (2,421.88 sq. ft.); Proposed – 243.03 sq. m. (2,615.95 sq. ft.).**
- (2) The total building area for the all accessory buildings exceeds the requirement as defined in Section 50.9 of Land Use Bylaw C-4841-97. **Required – 225.00 sq. m (2,421.88 sq. ft.); Proposed – 454.18 sq. m. (4,888.75 sq. ft.).**

[8] On July 8, 2019, the Appellant appealed the Development Authority's decision. The Notice of Hearing was circulated to 38 adjacent landowners in accordance with the *Municipal Government Act*, RSA 2000, c M-26 and Rocky View County Council Policy C-327, *Circulation and Notification Standards*.

SUMMARY OF EVIDENCE

[9] The Board heard verbal submissions from:

- (1) Stefan Kunz, Municipal Planner, for the Development Authority;
- (2) Paul Schneider, the Appellant.

[10] The Board received no letters in support or opposition of the appeal.

Development Authority's Submissions

[11] This is for an addition to an existing accessory building, the size of the building and the total building area for all accessory buildings need relaxations granted above what the Development Authority has authorization to grant.

[12] There are two other accessory buildings on site.

[13] The reason for refusal of the Development Permit was the 101.96% relaxation needed for the total building area on site.

Appellant's Submissions

[14] The original oversized accessory building was approved three years prior; however, the tractors do not fit fully inside the building.

[15] This is an addition to the current accessory building that will allow tractors and other equipment to be stored in the heated building.

Appellant's Rebuttal

[16] None.

Development Authority's Closing Comments

[17] None.

Appellant's Closing Comments

[18] None.

FINDINGS & REASONS FOR DECISION

[19] The addition to the existing accessory building is a discretionary use in the Residential Two District, in accordance with section 50 of the *Land Use Bylaw*.

[20] The Board finds it has the authority to make a decision on this matter pursuant to section 687(3)(d) of the *Municipal Government Act*.

[21] The Board finds that the property is large enough to accommodate a larger building.

[22] The Board acknowledges that the previous Development Permit (PRDP20151408) allowed for an oversized garage, the increased space with the addition would allow larger farm machinery to be stored inside during the winter.

[23] The Board also acknowledges that there is no opposition from neighbouring lands.

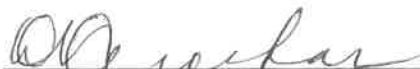
[24] The Board reviewed all evidence and arguments, written and oral, submitted by the parties and focused on the most relevant evidence and arguments in outlining its reasons. The Board also considered the context of the proposed development, sound planning considerations, the merits of the application, and all applicable legislation, plans, and policies.

[25] Given the above findings and pursuant to section 687 of the *Municipal Government Act*, the Board finds that the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. The Board also finds the proposed development conforms to the use prescribed for the Lands in the *Land Use Bylaw*.

CONCLUSION

[26] For the reasons set out above, the appeal is allowed and the decision of the Development Authority is revoked. A development permit shall be issued subject to the above-noted conditions.

Dated at Rocky View County, in the Province of Alberta on August 22, 2019.



Don Kochan, Chair
Subdivision and Development Appeal Board

EXHIBIT LIST

DOCUMENTS PRESENTED AT THE HEARING AND CONSIDERED BY THE BOARD

NO.	ITEM
1.	Development Authority's Report to the Board (16 pages)