

**THIS IS NOT A DEVELOPMENT PERMIT**

Please note that the appeal period *must* end before this permit can be issued and that any Prior to Release conditions (if listed) *must* be completed.

**NOTICE OF DECISION**

Orlowski, Aron & Gloria

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Tuesday, June 16, 2026

Roll: 03223618

**RE: Development Permit #PRDP20262602**

**Lot 12, Block 7, Plan 9811801; NW-23-23-27-01; (49 NESBITT CLOSE NORTHEAST)**

The Development Permit application for the construction of an Accessory Building greater than 65.00 sq. m. (699.65 sq. ft.) (oversize garage), has been **conditionally approved** by the Development Officer subject to the listed conditions below (**PLEASE READ ALL CONDITIONS**):

**Description:**

1. That the construction of an Accessory Building greater than 65.00 sq. m. (699.65 sq. ft.) (oversize garage), approximately ±81.75 sq. m. (±880.00 sq. ft.) in footprint, may proceed on the subject lands in general accordance with the approved application and drawings, including all drawings contained within the submitted "Permits Drawings Package" as prepared by CJ's concrete & fencing, and in support of the application, as amended.

**Prior to Release:**

2. That, prior to the release of this permit, the Applicant/Owner shall remove the existing retaining wall outside of the Overland Drainage Right-of-Way (ODRW) registered under Instrument No. 981 188 734 (Plan 9811803) and confirm that drainage functionality and maintenance access have been maintained.
  - i. That once completed, the Applicant/Owner shall provide dated photographs or request a site inspection to the satisfaction of the County; and
  - ii. Should the photographs not clearly demonstrate drainage functionality or adequate maintenance access, the Applicant/Owner shall provide a topographical survey, stamped by an Alberta Land Surveyor, confirming that the ODRW has not been adversely impacted to the satisfaction of the County.

**Prior to Occupancy:**

3. That prior to Occupancy of the Accessory Building, the Applicant/Owner shall submit a revised Real Property Report (RPR), prepared by an Alberta Land Surveyor, demonstrating that the proposed Accessory Building (oversize garage) complies with all required property line setbacks and does not encroach into the Overland Drainage Right-of-Way (ODRW), registered under Instrument No. 981 188 734 (Plan 9811803) located along the rear of the property, to the satisfaction of the County.



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## Permanent:

4. That if this Development Permit is not issued by **DECEMBER 31, 2026**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.
5. That if transport operations associated with this Development Permit involve loaded heavy vehicle movements on County roads and exceed any of the thresholds identified below, the Applicant/Owner shall contact County Road Operations ([roaduse@rockyview.ca](mailto:roaduse@rockyview.ca)) and provide haul details for materials and equipment required during construction and/or site development:
  - i. More than 30 vehicle movements within any seven (7) day period;
  - ii. More than five (5) vehicle movements within any one (1) hour period;
  - iii. For the purposes of this condition, a "heavy vehicle" means a vehicle that exceeds any one of the following:
    - a) Two (2) axles;
    - b) 11.00 (36.09 ft.) in length; or
    - c) A maximum allowable gross vehicle weight of 4,500 kilograms.
  - iv. Any required agreements or a Roadata/Heavy Haul/Overweight/Overdimension Permit shall be obtained unless otherwise noted by County Road Operations.
6. That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application, in response to a prior to release condition, shall be implemented and adhered to in perpetuity.
7. That the Accessory Building shall be similar to, and complement, the existing Dwelling, Single Detached in exterior material, colour and appearance to the satisfaction of the Development Authority.
8. That the Accessory Building shall not be used as a *Dwelling Unit*, or for Business purposes, including the parking of any *Vehicle (Commercial)* at any time, unless approved by a Development Permit.
  - i. That "Vehicle (Commercial)" means a vehicle, motor, used for commercial or industrial business operations, exceeding 5,500 kg or 7.00 m (22.97 ft.) in length.
9. That there shall be no encroachment, disturbance, or alteration at any time, including during construction and post-construction of the proposed Accessory Building within the County's overland drainage right-of-way listed under instrument number 981 188 734 (plan 9811803). That there shall be no grading, filling, excavation, or modification of existing drainage patterns or surface conditions within the right-of-way shall be permitted.
  - i. That any development activity shall not cause adverse drainage impacts to adjacent properties or downstream County infrastructure, and the Applicant/Owner shall remain responsible, in perpetuity, for correcting any such impacts should they arise.
10. That the Applicant/Owner shall take whatever means necessary to prevent visible dust associated with the development from escaping the site and having adverse effects on adjacent roadways and properties.



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11. That the Applicant/Owner shall be solely financially responsible for rectifying any adverse effect on adjacent lands from drainage alteration, including stormwater implications from the proposed development. Post-development drainage shall not exceed pre-development drainage.
  - i. That any lot regrading and excavation is not to direct any additional overland surface drainage nor negatively impact existing drainage patterns in any road right-of-way; and
  - ii. That upon completion of the proposed development, the County may request the Applicant/Owner submit an as-built survey, confirming the post-development drainage does not exceed pre-development drainage and is in compliance with any matter submitted and approved as part of the Development Permit application, or in response to a Prior to Release condition.
12. That there shall be no more than 2.00 m (6.56 ft.) of excavation and 1.00 m (3.28 ft.) of fill placed adjacent to or within 15.00 m (49.21 ft.) of the proposed building under construction that is used to establish approved final grades unless a Development Permit has been issued for additional grading.
13. That no topsoil shall be removed from the site. All topsoil shall be retained on-site and shall be re-spread on-site and seeded to grass or landscaped after building construction is complete, as part of site restoration.
14. That all on-site lighting, including private, site security and parking area lighting, shall be designed to conserve energy, reduce glare, and reduce uplight, in accordance with Sections 225-227 of the *Land Use Bylaw C-8000-2020* (LUB). All lighting shall be full cut-off (shielded) and be located and arranged so that no direct rays of light are directed at any adjoining properties, that may interfere with the use and enjoyment of neighbouring lands or interfere with the effectiveness of any traffic control devices or the vision/safety of motorists.
15. 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.

#### Advisory:

- That a Building Permit and applicable sub-trade permits are required through the County's Building Services department, prior to any construction and demolition taking place. Compliance with the *National Energy Code* is also required.
- That the subject development shall conform to the County's *Noise Control Bylaw C-8067-2020* & *Road Use Agreement Bylaw C-8323-2022*, in perpetuity.
- That the site shall remain free of restricted and noxious weeds and be maintained in accordance with the *Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1, December 7, 2023]*.
- That any other federal, provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
  - That the subject site shall adhere to any requirements noted within Instrument #951 254 202 (Restrictive Covenant), Instrument #951 254 205 (Restrictive Covenant), Instrument #961 113 790 (Restrictive Covenant), Instrument #961 192 481 (Restrictive Covenant), Instrument #971 005 116 (Restrictive Covenant), Instrument #981 097 470 (Restrictive Covenant), Instrument #981 188 732 (Utility Right-of-Way), Instrument #981 188 734 (Overland Drainage Right-of-Way), and Instrument #981 188 736 (Development Agreement).



# ROCKY VIEW COUNTY

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- That the Applicant/Owner shall be responsible for all the Ministry of Environment and Protected Areas approvals for any impact to any wetlands area from the proposed development.

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Tuesday, July 7, 2026**, a Development Permit may be issued, unless there are specific conditions which need to be met prior to release. If an appeal is received, then a Development Permit will not be issued unless and until the decision to approve the Development Permit has been determined by the County's Subdivision and Development Appeal Board.

Regards,

A handwritten signature in black ink, appearing to read "D. Legend".

Development Authority  
Phone: 403-520-8158  
Email: [development@rockyview.ca](mailto:development@rockyview.ca)

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