



Relaxation of Setbacks in Foothills County

Land Use Bylaw Regulations & Applications

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Setback means the distance which a building or other structure is to be removed from a property line, a street or road, a river or stream, a shore or flood plain, or any place which needs protection.

Buildings within the Setback Distance

In order to bring an existing building into compliance when its location is in contravention of the minimum setback requirements, you may:

1. Relocate the structure to meet all setback requirements;
2. Remove the structure from the property in its entirety; or,
3. Obtain approval under a Development Permit for "Relaxation of Setbacks".

Existing Structures may obtain a variance of up to **90%** of the setback distance through the issuance of a Development Permit.

Note: Within the Residential Community District a side yard setbacks can only be granted a maximum variance of 25%; however, must maintain minimum separation under the applicable Building Code.

Proposed Structures may obtain a variance of up to **25%** of the setback distance through the issuance of a Development Permit; however, the variance power given to the Development Authority shall not be exercised with respect to a proposed development unless the landowner/applicant can demonstrate that the proposed location is the most appropriate site for the proposed development.

Variance power granted to the Development Officer in consideration of a Relaxation of Setbacks application:

The Development Authority may exercise its variance powers, prescribed in the Land Use Bylaw, and approve a Development Permit for a permitted or discretionary use, with or without conditions, which does not comply with the regulations of this Bylaw, if the Development Authority determines that:

- a. The proposed development would not unduly interfere with the amenities, use, enjoyment, or value of adjacent lots;
- b. The proposed development would be consistent with the general purpose or character (urban or rural) of the district;
- c. There are factors unique to the development, use and site (such as the location of existing buildings) which are not generally common to other development and land in the same district, and which would result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw; and,
- d. There are mechanisms to mitigate the effect on adjacent lots.

Development Permit Application Requirements

An application for a Development Permit must be made with respect to requesting a relaxation to the minimum setback requirements within the applicable Land Use District. Please be advised that approval or refusal of an application is to the discretion of the Development Officer, with each application being evaluated individually. The intent of the Land Use Bylaw is considered when evaluation an application.

All applications for "Relaxation of Setbacks" are subject to a 21-day appeal period (except where Council is the Development Authority).

A Development Permit application must be accompanied with the following information:

(Failure to provide these details may see your application deemed incomplete)

1. A site plan (can be hand drawn) showing:
 - a. the entire parcel;
 - b. north at the top of the page;
 - c. identify and show all existing structures (the square footage of each) and any proposed buildings with measurements from the same, in feet or metres, to all parcel lines;
 - d. show all existing wells, septic tanks, disposal fields, dugouts on the parcel and storage areas;
2. Detailed Description of the need for the relaxation of setbacks:

For Existing: Background describing reasons why the building was constructed in current location (if known), or why setbacks were not originally maintained (change of policy, subdivision/boundary adjustment subsequent to construction of building, other).

For Proposed: Reasons why the building cannot be located on another portion of the property where setbacks are maintained.
4. Access location(s) to and from the property (can be shown on the site plan);
5. Particulars of any proposed use or involvement by persons other than residents of the lot;
6. If this parcel is not owned by the applicant, then they must receive written consent from the landowner to file an application.