

**REPORT TO THE SUBDIVISION AND  
DEVELOPMENT APPEAL BOARD**

<b>DATE:</b> December 9, 2021	<b>APPEAL NO.:</b> SDAB2021-0082 <b>FILE NO.:</b> DP2021-4495
<b>APPEAL BY:</b> Nichol Piniak	
<b>FROM A DECISION OF THE DEVELOPMENT AUTHORITY for a</b>  <b>New: Accessory Residential Building (beehive) – building located in front setback area; fence (front) - height</b>  <b>was refused at <u>1135 15 Avenue NE.</u></b>	<b>LAND USE DESIGNATION: R-C2</b>  <b>Permitted with a Relaxation</b>
<b>COMMUNITY OF:</b> Renfrew	<b>DATE OF DECISION:</b> October 21, 2021
<b>APPLICANT:</b> Nichol Piniak	<b>OWNER:</b> Nichol Piniak

**Notes:**

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature.



# NOTICE OF APPEAL

## SUBDIVISION AND DEVELOPMENT APPEAL BOARD

CC 821 (R2014-01)

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee. For filing instructions and fee payment options, see the reverse side of this form.

ISC: Unrestricted

Online Store Information			
Confirmation Number 10395281	Order Number 36759849	Online Form Processed 2021-11-12 7:40:54 PM	
Site Information			
Municipal Address of Site Under Appeal 1135 15 AV NE		Development Permit/Subdivision Application/File Number DP2021-4495	
Appellant Information			
Name of Appellant NICHOL RUTH PINIAK		Agent Name (if applicable)	
Street Address (for notification purposes) 1135 15 AV NE			
City CALGARY	Province ALBERTA	Postal Code T2E1J4	Residential Phone # 403-828-7884
Business Phone #	Email Address nicholruth@hotmail.com		

### APPEAL AGAINST

Development Permit	Subdivision Application	Notice of Order
<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Notice of Order

**REASONS FOR APPEAL** Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons for the appeal.

**I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons:**

I've prepared a written letter which I'll email directly after the application.

**In order to assist the Board in scheduling, please answer the following questions to the best of your ability:**

Estimated presentation time (minutes/hours) 1.5 HOURS	Will you be using an agent/legal counsel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
If yes, what are the issues?	
Do you anticipate bringing any witnesses/experts to your hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	If yes, how many will you be bringing? 2

This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, Section 33(c) and the Municipal Government Act, Sections 678 and 686. NOTE: THIS INFORMATION WILL FORM PART OF A FILE AVAILABLE TO THE PUBLIC. If you have any questions regarding the collection of this information, contact the City Appeal Boards at 403-268-5312 or PO Box 2100 Stn. "M", #8110, Calgary, AB, T2P 2M5.

FOR OFFICE USE ONLY				
Final Date of Appeal YYYY MM DD <b>2021 11 12</b>	SDAB Appeal Number <b>SDAB2021-0082</b>	Fee Paid <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date YYYY MM DD <b>2021 12 09</b>	Date Received <b>November 12, 2021</b>

**SDAB2021-0082**

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**From:** Nichol Piniak <nicholruth@hotmail.com>  
**Sent:** Friday, November 12, 2021 7:59 PM  
**To:** Calgary SDAB Info  
**Subject:** [EXT] Nichol Ruth Piniak - Application Summary

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Order Number: 36759849  
Site Address: 1135 15 AVE NE,  
Calgary, AB, T2E 1J4

Permit #: DP2021-4495

Good day,

Bees are organisms that all life on earth depend on for survival. Honeybees have become viewed as 'animals' within agriculture. They are vital for the honey industry and crop pollination but have also ended up within cities and towns worldwide due to the increase of urban beekeepers. I have been devoted to them for almost 30 years and performing bee removals for the City of Calgary for the past 7.

Approximately 8 years ago, I became a 'beehive architect' and devoted my time to investigating honeybee habitats as they are in nature and how urban bee keeping and high bee density affect their natural state, most of the research and observations have derived from bee removals also called 'cut-outs'. I'm most interested in humidity and propolis, things used to regulate health withing the bee's nest. This is achieved by the bees, not a beekeeper.

What I saw did not correlate with practices and hive designs within our region. I am the only known person within our area studying bees in their natural state, and there is very little research, particularly in humidity. I began to study bee habitat, different practices, and climates across the world. The network of people doing this is considerable, but not locally.

Honeybees are unique and adaptable to every location they live, but individuals don't often invest time or effort in bee ecology, bee density within urban settings and the interest is typically profit driven. I saw an opportunity to support bee research, educate people and contribute to the management of swarms in the community while doing what I love. I began to envision the ultimate way for people to engage with honeybees, this equated to a structure that individuals could enter and completely engage. The environment would include space for an ecological system while serving as a vital tool to assist ongoing problems within concentrations of human spaces, a Swarm Habitat.

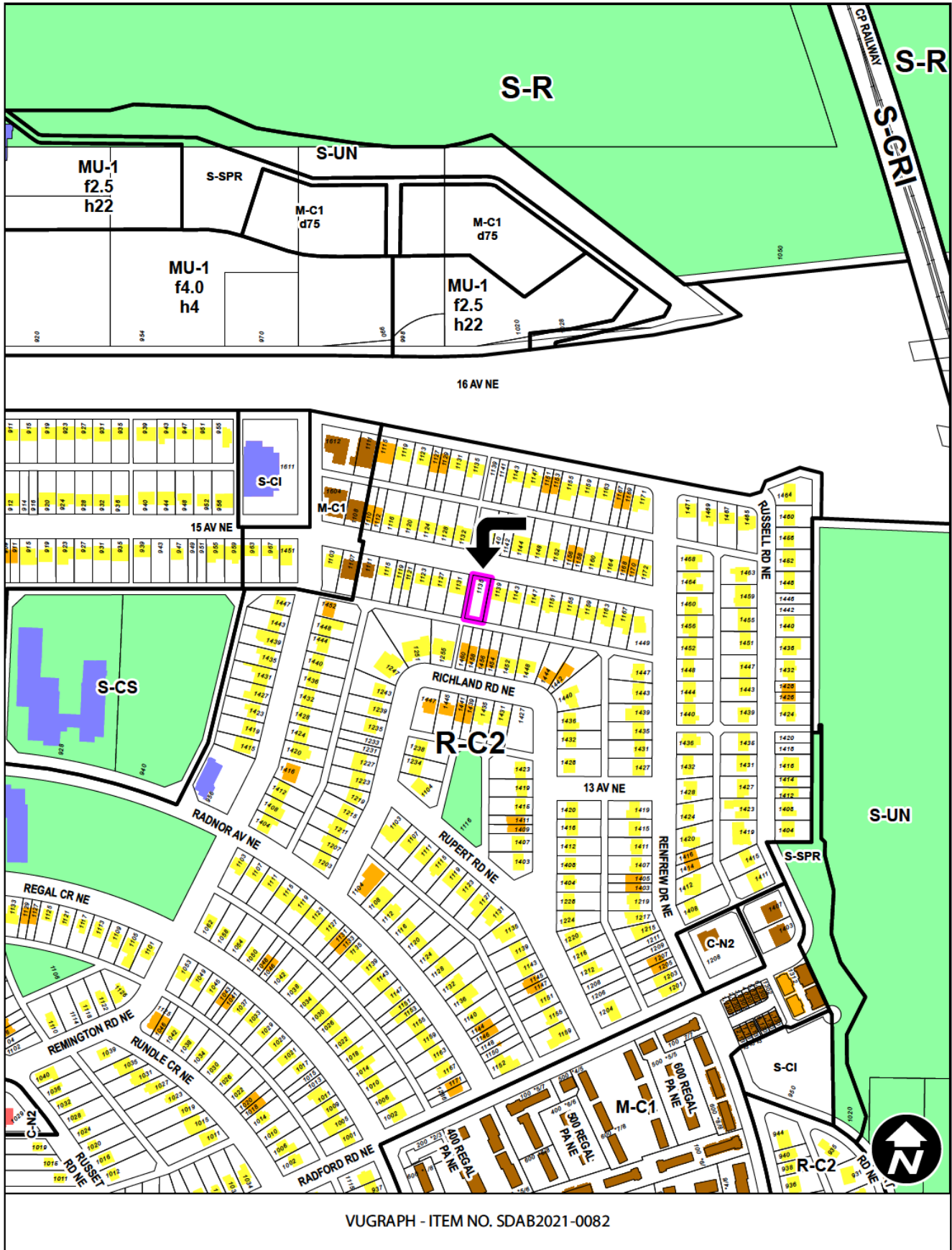
I have built a structure that is purely designed for research, observation and to attract bees away from developed property. The bees currently residing within are retrieved from removals, performed for the Calgary Bee Association in 2021. I realize it is unusual, but there are many valid reasons it resides in its current location. In my appeal I will attempt to address all concerns, and in return hope we can work together to designate and preserve my efforts. The SDAB process has accelerated the difficulty choosing a suitable name, so with the help of community members, colleagues, friends, and family we have selected Educational Swarm

## 4

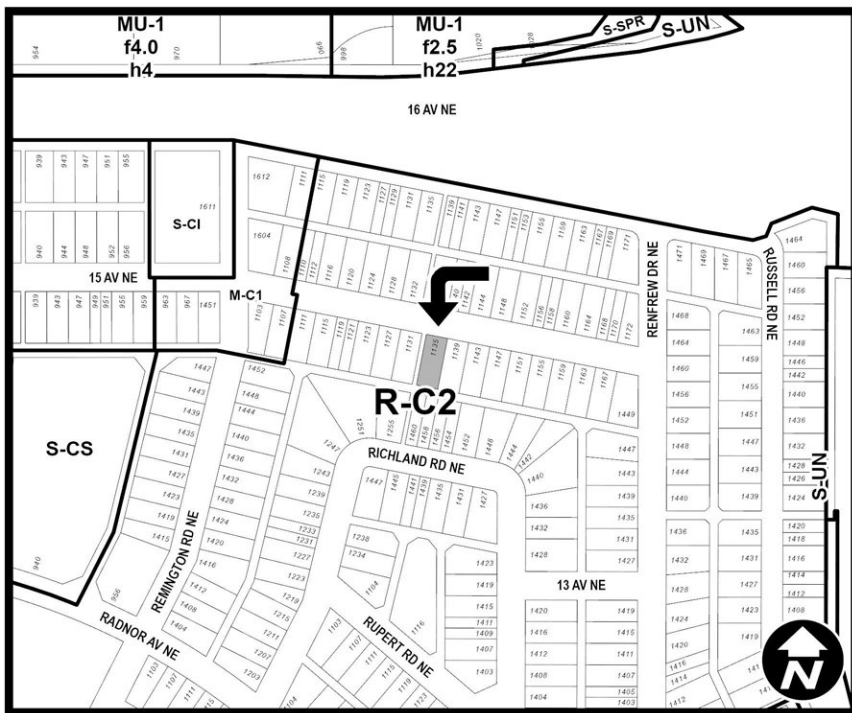
Habitat (ESB). I look forward to meeting the board and tailoring a presentation that can be enjoyed and used to build protection and governance of honeybees within an urban setting.

Kind Regards,  
Nichol Ruth Piniak





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SDAB2021-0082



2021 October 21

PINIAK, NICHOL



**RE: Notification of Decision for DP2021-4495**  
**Subject: New: Accessory Residential Building (beehive) - building located in front setback area; fence (front) - height**  
**Address: 1135 15 AV NE**

This is your notification of the decision by the Development Authority to refuse the above noted application on October 21, 2021. Enclosed are the Reasons for Refusal, along with an appeal form, in the event that you choose to appeal this decision.

An appeal along with reasons must be submitted, together with payment of \$200.00 fee, to the Subdivision and Development Appeal Board (4th floor, 1212 31 Avenue N.E., Calgary, AB T2E 7S8) within 21 days of receipt of this letter. An appeal may also be filed online at <http://www.calgarysdab.ca>. To obtain an appeal form, for information on appeal submission options or the appeal process, please call (403) 268-5312.

Should you have any questions or concerns, please contact me at (403) 651-4918 or by email at [Arysha.Lalach@calgary.ca](mailto:Arysha.Lalach@calgary.ca).

Sincerely,

ARYSHA LALACH  
Senior Planning Technician  
Planning and Development



**DEVELOPMENT PERMIT  
LAND USE BYLAW NO 1P2007**

**DP2021-4495**

This permit relates to land in the City of Calgary municipally described as:

**1135 15 AV NE**

Community: **Renfrew**

L.U.D.: **R-C2**

and legally described as:

**4221GL;27;16**

and permits the land to be used for the following development:

**New: Accessory Residential Building (detached) - building located in front setback area; fence (front) - height**

The present owner and any subsequent owner of the above described land must comply with any attached conditions.

The development has been approved subject to any attached conditions and to full compliance with the approved plans bearing the stamp of approval and the above development permit number.

Decision By: **Development Authority**

Date of Decision: **October 21, 2021**

Development Authority **Maurie Loewen**

File Manager: **Arysha Lalach**

Release Date: \_\_\_\_\_

**This permit will not be valid if development has not commenced by:**

**This is NOT a Building Permit**

In addition to your Development Permit, a Building Permit may be required, prior to any work commencing. further information, you should contact the City of Calgary, Planning, Development & Assessment - Building Regulations Division.

**WARNING**

**This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.**

Applicant: **PINIAK, NICHOL**

Address: **1135 15 AV NE**

City: **Calgary, Alberta, T2E1J4**

Phone: **[REDACTED]**

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**Complete Address and Legal Description listing for Development Permit DP2021-4495**

<b>Address Type</b>	<b>Address</b>	<b>Legal Description</b>
Building	1135 15 AV NE	
Parcel	1135 15 AV NE	<b>4221GL;27;16</b>



**The City of Calgary**  
**Planning and Development**  
**Technical Planning and Bylaw Review**

## Reasons for Refusal for DP2021-4495

The Reasons for Refusal document is intended to provide a short summary of the development permit review and analysis. Attached to this document is supporting information about the application process; potential concerns raised by neighbours, other affected parties and the Community Association; the requested relaxations of the Land Use Bylaw; and other information in support of the decision.

### Proposed Use

This application seeks approval for an existing Accessory Residential Building and an over height fence in the front yard of a Single Detached Dwelling at 1135 15 AV NE in the community of Renfrew. The parcel is designated R-C2; Residential – Contextual One/Two Dwelling District under The City of Calgary Land Use Bylaw 1P2007. Fences are accessory to the Single Detached Dwelling, therefore the development as a whole is considered discretionary.

### Planning Review and Analysis

During the review, the Development Authority applied section 35 and 36 of the Land Use Bylaw. The development permit application is the result of a complaint, an inspection of the site determined that the Accessory Residential Building and fencing had been constructed without the benefit of a development permit. In addition to the applicant's materials, Inspector and Pictometry photos were reviewed. Two objections were received during the review and circulation of the application.

The Accessory Residential Building in question is used as a Beehive. In January of 2022 the Responsible Pet Ownership Bylaw will include bee colonies under the definition Livestock. Existing and new colonies will require approval of the Chief Bylaw Officer. They may choose to withhold licencing or permitting for colonies deemed to be a nuisance. Any perceived nuisance relating to the bee colony is regulated by another Bylaw, the decision related to this development permit application focuses on the planning issues specific to the proposal.

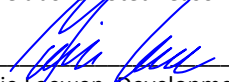
The Accessory Residential Building is 1.8 metres wide, 2.3 metres in depth and located and is located 0.13 metre from the front property line. Section 345(3) of the Land Use Bylaw prohibits Accessory Residential Buildings from being located in an actual front setback area (front yard). The structure is well separated from the house and located adjacent to the sidewalk, making it highly visible from the street. There are no other properties in the fascinate that have an Accessory Residential Buildings in the front yard. Responses were received during the review indicate the structure as being visible and out of place, regardless of the screening hedge.

Plans indicate the front setback area is enclosed by a rebar fence that is roughly 1.9 metres high and was installed to support the hedge. Section 343(a) of the Land Use Bylaw limits the height of a fence beyond the front façade of the main residential building to 1.2 metres in height. The context of the block is formed by large open front yards which are accentuated by new and mature trees. There are good site lines between the buildings and the street as well as down the block, this respects the planning principles of "eyes on the street". The fence and resulting hedge break from the context of the block and disturb the established pattern of development. It is also noted that although the fence is indicated on the plans as being located on the property lines, photographs indicate that the fence is adjacent to the sidewalk and therefore within the road (the boulevard between the back of the sidewalk and property line). No documentation has been provided indicating authorization for the structure to be within the boulevard. The Development Authority is not authorized to approve structures within roads.

In evaluating the application, the Development Authority determined that the development is out of context, and materially different than the expected form of development in the area. The application is refused.

### Decision

For the above noted reasons, this application is refused.

  
 Maurie Loewen, Development Authority

**Oct 21, 2021**

Date



## Attachments for DP2021-4495

### Site and Context

The parcel is 556.841 square metres in area and 15.24 metres in width. The parcel is mid-block laned with a gravel walkway along the west side property line. The Single Detached Dwelling was constructed in 1955. The landscaping on the property includes a hedge along the front property line with a couple of trees in the front yard.

### Process

**Circulation:** Renfrew Community Association and Ward Councillor

**Responses:** Two objections received from neighbours

### Key Land Use Bylaw Rules

#### Discretionary Use That Does Not Comply

**36(1)** The Development Authority may approve a development permit application for a permitted use where the proposed development does not comply with all the applicable requirements and rules of this Bylaw if, in the opinion of the Development Authority:

- (a) 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 properties, and;
- (b) the proposed development conforms with a use prescribed by this Bylaw for that land or building.

#### Accessory Residential Building

**345 (3)** An Accessory Residential Building must not be located in the actual front setback area.

#### Fences

**343** The height of a fence above grade at any point along a fence line must not exceed:

- (a) 1.2 metres for any portion of a fence extending between the foremost front façade of the main residential building and the front property line;
- (b) 2.0 metres in all other cases; and
- (c) 2.5 metres at the highest point of a gate that is not more than 2.5 metres in length.

### Chart of Relaxations

Bylaw Requirement	Provided	Relaxation
An Accessory Residential Building must not be located in the actual front setback area.	0m	100%
Maximum height of a fence located in the front yard is 1.2 metres.	1.9m	56.67%





### Inspector Photos

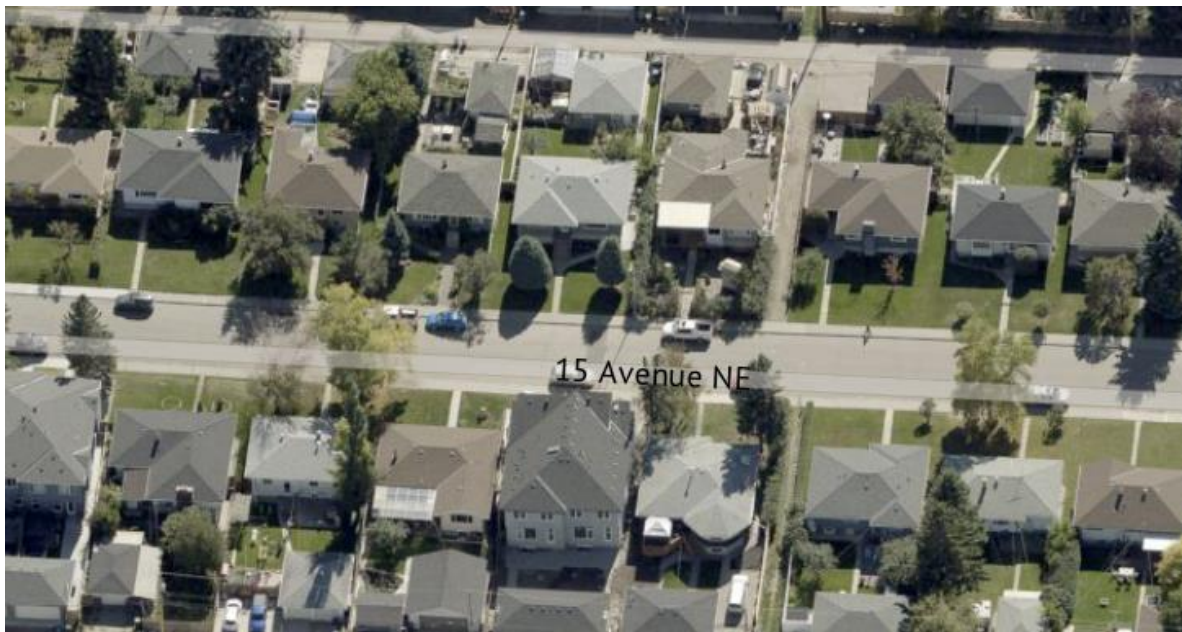






**The City of Calgary**  
Planning and Development  
Technical Planning and Bylaw Review

**Pictometry, September 14, 2021**





**APPLICATION FOR A DEVELOPMENT PERMIT  
LAND USE BYLAW NO 1P2007**

296502462-002

Taken By:

Application Date **Jun 21, 2021**

## APPLICATION NO DP2021-4495

I/We hereby make application for a Development Permit under the provisions of the Land Use Bylaw in accordance with these plans and supporting information submitted herewith and which form part of this application.

**Total Fees: \$0.00****Cart #:**

Applicant: **PINIAK, NICHOL**Address: **1135 15 AV NE**City: **Calgary, Alberta, T2E1J4**Phone: Parcel Address: **1135 15 AV NE**Legal: **4221GL;27;16**Building Address: **1135 15 AV NE**Legal: Parcel Owner: **NICHOL PINIAK****1135 15 AVE NE****CALGARY AB CANADA T2E 1J4**e-mail: 

(See title for additional owners.)

L.U.D.: **R-C2**Community: **RENFREW**Sec. Number: **23C** Ward: **09**

Description: **New: Accessory Residential Building (beehive) -  
building located in front setback area; fence (front) -  
height**

Proposed Development is: **Permitted with a Relaxation**Proposed Use: **Accessory Residential Building**

I agree to receive correspondence via electronic message related to this application.

By signing below, I confirm that the contact information provided above is accurate and further, acknowledge the ability of the General Manager - Planning and Development to inactivate and cancel incomplete applications.

Applicant / Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The personal information on this form is being collected under the authority of The Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) and amendments thereto. It will be used for the permit review and inspection processes. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. The name of the applicant and the nature of the permit will be available to the public. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

Track your application on-line with **VISTA** Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) **DP2021-4495**

or call our Planning Support Centre at (403)268-5311.

**SDAB2021-0082**



## Public Tree Disclosure Statement

The City of Calgary Street Bylaw (20M88) and the Tree Protection Bylaw (23M2002) protect trees growing on City (public) land. An approved Tree Protection Plan is required when construction activities occur within 6m of a public tree. More information regarding protecting trees during construction and development is found here. Public trees are required to be shown on plans submitted for this application.

1. Are there public trees on the City lands within six meters of and/or overhanging the development site? ☒ Yes ☐ No

If you answered yes, ensure all trees identified are shown on the submitted plans.

Note: if you are not sure how to determine which trees are yours and which are public, you can:

- Use the [City's tree map](#) (may not be up to date for your property)
- Contact 3-1-1 to put in a "development tree inquiry" to get confirmation from an Urban Forester
- Send inquiries to [tree.protection@calgary.ca](mailto:tree.protection@calgary.ca)

2. Who will be submitting the Tree Protection Plan for this development?

☐ Applicant ☒ Owner ☐ Builder ☐ Other:

If Other: Name: Nichol Ruth Piniak Phone: [REDACTED]  
Email: [REDACTED]

The Tree Protection Plan must be submitted directly to Urban Forestry at [tree.protection@Calgary.ca](mailto:tree.protection@Calgary.ca) following the [Tree Protection Plan Guidelines](#).

**FOIP DISCLAIMER:** The personal information on this form is being collected under the authority of The Freedom of Information and Protection of Privacy (FOIP) Act, Section 33(c). It will be used to provide operating programs, account services and to process payments received for said services. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.



## Abandoned Well Declaration

Application # \_\_\_\_\_  
for office use only

Site Address: 1135 15 AVE NE, Calgary, AB

Legal Description: PLAN 4221GL BLOCK 27 LOT 16

The *Municipal Government Act's Subdivision and Development Regulations (Alberta Regulation 160/2012)* requires developers to identify abandoned oil and gas wells and, where present, to comply with setback requirements as identified in the Energy Resources Conservation Board (ERCB) [Directive 079: Surface Development in Proximity to Abandoned Wells](#).

You are responsible for the accuracy of the information provided in this statement. The questions must be answered to the best of your knowledge based upon diligent inquiries and a thorough inspection and review.

1. Provide a map of the subject parcel showing the presence or absence of abandoned wells.

- [User Guide to Finding Abandoned Wells on GeoDiscover Alberta's Map Viewer](#)
- [Abandoned Well Locations on GeoDiscover Alberta's Map Viewer](#)

**NOTE:** The map must show the actual well location, as identified in the field, including the surface coordinates (available on the Abandoned Well Map Viewer or by contacting the ERCB Customer Contact Centre at 1-855-297-8311) and the 5 metre setback established in [ERCB Directive 079](#) in relation to existing or proposed building sites.

2. Are there abandoned Oil/Gas wells located within 5 m of the site? ☐ Yes ☒ No  
If you answered 'yes', please answer question 3 and include the well location(s) on the site plan.

3. Have you contacted the licensee of the well(s) to confirm the exact location? ☐ Yes ☒ No  
If you answered 'yes', you must have written confirmation included with your application.

Licensee Company Name \_\_\_\_\_ Licensee Contact \_\_\_\_\_

**NOTE:** Where a well is identified, the Development Authority must refer a copy of the application to the Licensee(s) of Record. The referral will include the applicant's contact information.

4. Who is submitting the Abandoned Well Declaration for this development?

☐ Applicant ☒ Owner ☐ Builder ☐ Other \_\_\_\_\_

Company Name \_\_\_\_\_ Contact Person Nichol Piniak

Address 1135 15 AVE NE

Phone \_\_\_\_\_

5. Will the development result in construction activity within the setback area?

☐ Yes ☒ No

If you answered 'yes':

- Provide a statement confirming that the abandoned wells will be temporarily marked with on-site identification to prevent contact during construction; and
- Describe what measures will be taken to prevent contact during construction.

No well is present according to registered information.

**NOTE:** This form is to be signed by the titled owner(s) of the property or their authorized agents or consultants.

*I, the ☒ owner, ☐ authorized agent, ☐ authorized consultant, state that, to the best of my knowledge, the information provided in this statement is accurate, complete and is based on diligent inquiry and thorough inspection and review of all the documents and other information reasonably available pertaining to the subject property.*

June 21, 202

Date

Applicant Signature

Nichol Ruth Piniak

Applicant Name (Please Print)

none

Company Name (Please Print)

**FOIP DISCLAIMER:** The personal information on this form is being collected under the authority of The Freedom of Information and Protection of Privacy (FOIP) Act, Section 33(c). It will be used to provide operating programs, account services and to process payments received for said services. It may also be used to conduct ongoing evaluations of services received from Planning & Development. Please send inquiries by mail to the FOIP Program Administrator, Planning & Development, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.



	Date:	7/12/2021
	Permit Number:	DP2021-4495
Applicant Email		
Address:	1135 15 AV NE	

<b>Parcel Information</b>	
Land Use District	R-C2
Corner lot	No
Number of dwelling units located on the parcel	1
<b>Check Warnings:</b>	
Located in Floodway	No
Located in Flood Fringe/Overland Flow	No
<b>Easements:</b>	
Located in MAR/W	N/A
Located in URW/ODRW	No
<b>Scope of Work</b>	
Type of Accessory Residential Building	Other
Located in actual front setback area	Yes
Has a second storey, rooftop deck, or balcony	No
Finished floor exceeds 0.6m above grade	
<b>Bylaw Requirements</b>	

<b>Parcel Coverage:</b>		
Parcel area (m²)		556.80
Parcel width (m)		15.25
Main residential building (m²)		138.15
Proposed accessory building (m²)		4.03
Existing accessory buildings (m²)		49.79
Total area (m²)		191.97
Total Coverage		34.48%
Maximum parcel coverage		45.00%

<b>Setbacks:</b>	
Maintenance-free exterior	
1.0m to main residential building	
0.0m to side/rear property lines	
1.2m to side property line shared with a street	
<b>Driveway &amp; Parking:</b>	
Vehicle access	
Minimum 0.6m driveway length	
Stalls required for main dwelling:	1
Minimum dimensions for parking:	2.85m x 5.9m
Parking complies?	
<i>Note: Garage with a depth of 20' requires 2x4 walls</i>	

<b>Height:</b>	
≤ 4.6m (15'-1") from finished floor (overall)	
≤ 3.0m (9'-10") from finished floor to eaveline	
<b>Summary</b>	
Complies with Land Use Bylaw?	No
PST initials:	ATL

Notes:	
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**From:** [Arysha.Lalach@calgary.ca](mailto:Arysha.Lalach@calgary.ca)  
**To:** [REDACTED]  
**Cc:** [Lalach, Arysha](#)  
**Subject:** DP2021-4495 INITIAL REVIEW - 1135 15 AV NE  
**Date:** Monday, July 12, 2021 9:28:17 AM

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**Re: DP2021-4495 INITIAL REVIEW - 1135 15 AV NE**

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Good day,

I am the file manager who will be reviewing your Development Permit application.

The initial review of your application has concluded that your application is incomplete as key pieces of information are missing. The application is on hold until the following information is provided:

- Please provide elevation and floor plan drawings of the proposed structure.
- List the proposed type of siding.

Please provide the information requested above by August 2, 2021, or your application will be deemed refused in accordance with Section 683.1(8) of the Municipal Government Act (MGA). There is no refund of fees if the application is deemed refused. If you are unable to meet this timeline, please contact me to discuss your options.

Please note that these initial comments are preliminary. Once the missing information is provided your application will undergo a detailed review which will include consulting with stakeholders to gather planning information relevant to your application.

For more information about the Development Permit Process please visit [www.calgary.ca/dpprocess](http://www.calgary.ca/dpprocess).

Please track your application, using your Job Access Code (JAC) DP2021-4495-10353, at [www.calgary.ca/vista](http://www.calgary.ca/vista).

Regards,  
**SDAB2021-0082**

ARYSHA LALACH  
Senior Planning Technician  
Arysha.Lalach@calgary.ca  
(403) 651-4918  
[www.calgary.ca/PDMap](http://www.calgary.ca/PDMap)





PINIAK, NICHOL



Dear Sir/Madam:

**RE: Detailed Review (DR)**

**Development Permit Number: DP2021-4495**

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Should you have any questions or concerns, please contact me at (403) 651-4918 or by email at [Arysha.Lalach@calgary.ca](mailto:Arysha.Lalach@calgary.ca).

Sincerely,

A handwritten signature in cursive script that reads "Arysha Lalach".

**ARYSHA LALACH**

Senior Planning Technician



## Detailed Review 1 – Development Permit

**Application Number:** DP2021-4495  
**Application Description:** New: Accessory Residential Building (beehive) - building located in front setback  
**Land Use District:** Residential - Contextual One/Two Dwelling  
**Use Type:** Permitted with a Relaxation  
**Site Address:** 1135 15 AV NE  
**Community:** RENFREW  
**Applicant:** PINIAK, NICHOL  
**Date DR Sent:** August 31, 2021  
**Response Due Date:** September 30, 2021  
**Senior Planning Technician:** ARYSHA LALACH - (403) 651-4918 - [Arysha.Lalach@calgary.ca](mailto:Arysha.Lalach@calgary.ca)

## General Comments

Bylaw Variances		
Regulation	Standard	Provided
Section 345 (3)	An Accessory Residential Building must not be located in the actual front setback area.	Located in front setback area.

## Prior to Decision Requirements

The following issues must be addressed by the Applicant through a written submission and amended plans prior to a decision by the Approving Authority:

- The development, as proposed, is not supported for the following reasons:
  - Section 345(3) of the Land Use Bylaw states that an Accessory Residential Building must not be located in the actual front setback area. The operative word in this rule is "must" and Section 8(f) of the Bylaw states: "must" is to be construed as a compulsory obligation.

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

-The proposed development did not meet the test for relaxation under section 31 of the Land Use Bylaw:

"The Development Authority may approve a development permit application for a permitted use where the proposed development does not comply with all of the applicable requirements and rules of this Bylaw if, in the opinion of the Development Authority:

(a) 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 properties;"

Please indicate, in writing, the manner in which the application will proceed:

(A) Request **cancellation** of the application and relocate the beehive from the front yard to the backyard. Any applicable fee refund will be determined at the time of cancellation.

OR

(B) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority. The refusal will be based on the comments listed above.

Please respond to how you would like to move forward within thirty days from the date of receiving this Detailed Review (see cover page of DR for exact date).

## Advisory Comments

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The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

2. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.

**From:** [Arysha.Lalach@calgary.ca](mailto:Arysha.Lalach@calgary.ca)  
**To:** [nicholruth@hotmail.com](mailto:nicholruth@hotmail.com)  
**Cc:** [Lalach, Arysha](#)  
**Subject:** DP2021-4495 INITIAL REVIEW - 1135 15 AV NE  
**Date:** Tuesday, August 3, 2021 5:21:10 PM

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logo



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**Re: DP2021-4495 INITIAL REVIEW - 1135 15 AV NE**

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Good day,

I am the file manager who will be reviewing your Development Permit application.

The initial review of your application is complete, and a detailed planning review is now underway. This includes consulting with stakeholders to gather planning information relevant to your application. You will be contacted if additional information is needed.

For more information about the Development Permit Process please visit [www.calgary.ca/dpprocess](http://www.calgary.ca/dpprocess).

Please track your application, using your Job Access Code (JAC) DP2021-4495-10353, at [www.calgary.ca/vista](http://www.calgary.ca/vista).

Regards,

ARYSHA LALACH  
Senior Planning Technician  
[Arysha.Lalach@calgary.ca](mailto:Arysha.Lalach@calgary.ca)  
(403) 651-4918  
[www.calgary.ca/PDMap](http://www.calgary.ca/PDMap)

**From:** [CAWard9 - Shifrah Gadamsetti](#)  
**To:** [Lalach, Arysha](#)  
**Cc:** [DP Circ](#)  
**Subject:** DP2021-4495 1135 15 AV NE  
**Date:** Wednesday, September 1, 2021 7:46:06 PM  
**Attachments:** [image003.png](#)

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Hello again, Arysha!

Apologies for the delay – Cllr Carra has no objections or comments at this time!

Cheers,

Logo



**Shifrah Gadamsetti**

**Interim Chief of Staff (on behalf of Devon LeClair)**

Office of the Councillors

Ward 9 – Cllr Gian-Carlo Carra

P.O. Box 2100, Station M | Calgary, AB, Canada T2P 2M5

Mail code: #8001

**e:** [caward09@calgary.ca](mailto:caward09@calgary.ca)

*We acknowledge that we live, work and play on the traditional territories of the Blackfoot Confederacy (Siksika, Kainai, Piikani), the Tsuut'ina, the Îyâxe Nakoda Nations, the Métis Nation (Region 3), and all people who make their homes in the Treaty 7 region of Southern Alberta.*

**From:** [REDACTED]  
**To:** [Lalach, Arysha](#)  
**Subject:** [EXT] 1135 15 AV NE - DP2021-4495 - Comment from Development Map - Fri 7/9/2021 1:40:35 PM  
**Date:** Friday, July 9, 2021 1:40:39 PM

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Application: DP2021-4495

Submitted by: Victoria Reid

#### Contact Information

Address: 1131 15 Avenue NE

Phone: [REDACTED]  
 [REDACTED]

#### Feedback:

Hello Arysha,

Our neighbors at 1135 15 Avenue NE have recently completed building an accessory building in their front setback, and have just applied for a development permit for it (after complaints to the city led an inspector to find a number of unpermitted renovations, including this accessory building). This accessory building is not allowed per city bylaw, because it is in the front setback, so I understand that they have applied for a relaxation. My husband and I live next door, and we have a number of concerns with this structure:

1. They are trying to skirt the rules by calling this storage shed a "beehive" - since the city has no rules about beekeeping, they are banking on being granted a relaxation on this basis. A reasonable person, however, knows that beehives are not that big. They have kept beehives for several years without this structure, so calling it a beehive or making the argument that it is a necessary structure for beekeeping is a stretch. I can only assume they built the structure in the front yard because it would interfere with their enjoyment of their back yard.
2. Looking out my front window, my view down the street is now restricted by this structure. I would imagine that one of the reasons there is a front "setback" is so that houses and structures are not set too far towards the front property line, restricting the view of other houses.
3. The structure is not contextual to the neighborhood. If you look up and down the street, or in fact, anywhere in Renfrew, you will not find a storage shed in the front yard of any house. It sticks out like a sore thumb.

My husband and I have voiced concerns about this structure since March. However, they were allowed to continue building, and have just applied for the development permit. The reference number for our previous complaint was CO-2021-00396 with the building department. I should hope that buildings that are started and completed without a development permit are not treated more leniently than those who follow rules and apply for a permit before initiating a build. I hope that this permit will be denied - there is absolutely no argument that I can think of that would qualify an exemption being made.

**From:** [Sonia Dhiman](#)  
**To:** [Lalach, Arysha](#)  
**Subject:** [EXT] DP2021-4495  
**Date:** Thursday, July 15, 2021 10:55:07 PM

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Address 1135 15 Avenue NE

Hi Arusha,

I, among other neighbors, are concerned with the structures and construction that has been going on at this property for many years. I have lived in this neighborhood for over 10 years and each time I walk or drive by this property there is some new project going on. Normal upgrades to a home are obviously not an issue but this homeowner is taking some projects to the extreme. In particular is the new structure on the front lawn next to the beehive. It is very large and an eyesore. It is completely out of context for our neighborhood. I do not support a relaxation of the bylaw for this structure and am hoping that it will be removed.

Please take into consideration my email regarding this structure. Let me know if you need any further information from me.

Regards,



Sent from my iPhone

I am Nichol Piniak. To provide context for the structure in question, I feel it would be beneficial to familiarize you with my experience and background.

I have 6 years of experience removing honeybees from structures in Calgary and the surrounding area when contacted by the Calgary Bee Association in response to 311 calls. Swarms are common for new beekeepers and can also extend to experienced ones. I specialize in 'cut outs', which is the term for removal of a swarm that has entered personal property. The cost of removing bees can be high and is not covered by insurance but homeowners feel the pressure of conserving the life of the bees as the consequences of climate change and species survival.

Cut outs require specialized skills, extensive carpentry and bee herding to preserve the integrity of both property and colony. These are clearly objectives of the property owner because otherwise they would simply call an exterminator, instead of reaching out to preserve the life of the colony. Cut outs must be executed by someone with a high knowledge of bee behavior. They must also be able to transplant the combs and resources in a manner conducive to swarm acceptance and survival. If the swarm does not take to the new offered location, they will abscond and either take up residence in another potentially problematic location or perish in the effort of searching for a new location. Sealing a swarm into a location is not recommended for two main reasons:

- 1) Colonies contain a volume of individuals that together equal a small animal. Sealed biologicals decompose and attract other pests, and
- 2) A chosen swarm location will remain attractive to future swarms for decades after as they leave behind pheromones that cannot be masked and special care must be taken to seal and treat the area post removal to prevent another colony from taking up residence.

It is important for people to be educated at the same time. I care deeply about conservation and am patient, helping people reduce fear and stress. I do this work, only recovering out of pocket expenses, to help members of our community and in service of bee conservation.

Every cut out is an opportunity to study what our bees use as natural habitat; it is not as simple as offering an empty hive. Bees are more intelligent than people give credit, they will always choose a structure that builds optimal health, which varies by location and every region of the world. In the city of Calgary, I have observed that common structures chosen by bees are architectural columns resembling the security of tree hollows. My experience also shows they favor masonry, leading



me to study the relationship between bees and local hive habitat. It is the knowledge from this combination of practical experience, observation, and research that I have applied to the beehive in our yard. It has taken two years to design and will help others study what Alberta bees need for survival as climate change impacts all life on earth.

The beehive structure under review represents what could be a vital link, offering swarm habitat to honeybees, and help as bees adapt to climate change which is omnipresent in 2021. The hive structure is like entering a peaceful sanctuary. The bees remain calm, and it is big enough for two individuals. This was done on purpose to promote education, allowing scientists to observe and help people overcome anxiety. In addition, I am engaged with the Janus Academy (<https://janusacademy.org>) to help build structured visits for children with autism. As an individual with autism, I have experienced firsthand the therapeutic benefit of engaging with bees. Bee interactions provide therapeutic opportunities for treatment of anxiety and PTSD while providing an opportunity for learning. These were considerations in my beehive design.

The publisher of Natural Beekeeping Husbandry solicited an article about my beekeeping endeavours in the past, a copy of which I have provided for your reference. This request came because of the publisher's interest in what I had posted on social media, sharing my process at that time. He is now anticipating another contribution detailing the construction, research, and success of my current hive design. In this international magazine, I am able to raise the profile of Alberta, and Calgary specifically, which furthers the recognition of Calgary as the 36<sup>th</sup> Bee City by Bee City Canada (<https://beecitycanada.org/city/city-of-calgary/>).

I have attached a reference from Ron Miksha, a resident of Calgary who studies bee ecology at the University of Calgary. He is a renowned scientist, author, teacher and bee-keeper. Ron's blog (<https://badbeekeepingblog.com>) is recognized worldwide for his knowledge and contribution to bee ecology. I have known Mr. Miksha for eight years and he is familiar with my bee-keeping practices.

At the July 2019 meeting of the Royal Geographical Society of London, Earthwatch Institute (<https://earthwatch.org/>), which operates out of Harvard University, declared bees as "the most important living beings on this planet", a heavy responsibility considering that many species of bees are on the endangered species list. Bees will not survive the future without people studying ecology and the linkage between them and their natural preferences. I monitor the work of

other beekeepers worldwide and as mentioned previously, write for a small publication that gets broad attention. I have already put Alberta on the map, promoting a hive I designed 3 years ago. I'm proud of where I live and how I represent our region. The work I do contributes to recognition of Calgary and Alberta for efforts in the field of science and climate change. My beehive has the potential to serve as a habitat that keeps swarms out of personal property while preserving colony integrity. My beehive will provide a forum for educational opportunities to help people with a wide range of comfort and knowledge about bees. My beehive will provide data for analysis that will benefit those with a scientific interest in bee husbandry and conservation as it provides a unique perspective for observation and information gathering, particularly regarding the effect of insulation and humidity variables. On a more personal note, the construction of my beehive is a way of contributing to the community and humanity in memory of my mother, who passed away in 2020. The hive is beautiful, relatively small, and an example of what Calgary could offer to protect swarms and memorialize people or events. Offering similar swarm habitats around Calgary could easily help keep stray and displaced bees out of personal property.

I recognize my beehive is an unconventional approach to beekeeping, but it has the potential to serve as a valuable source of information and knowledge as we struggle to adapt to climate change in our part of the world. I hope that this information is sufficient to provide the reviewer(s) with the clarification required about the beehive in question, however, should there be any questions or concerns, I welcome the opportunity to speak to them.

Ron Miksha  
1819 Palliser Drive SW  
Calgary AB T2V 4C4

July 20, 2021

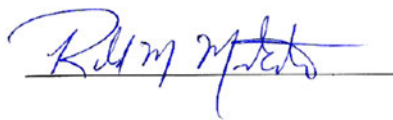
To whom it concerns,

I am a past president of the Calgary Beekeepers Association and currently I am doing bee ecology research at the University of Calgary. I met Nichol Piniak several years ago when I was the lead instructor for a two-day workshop for new beekeepers. She was attentive, enthusiastic, and keen to learn how to help bees and people in our city. I have seen her become a knowledgeable and conscientious beekeeper. Nichol writes about bees occasionally for an international magazine and she kindly shares her ideas and discoveries about better beekeeping with Calgary's community of beekeepers.

On her property, Nichol has chosen the best location for nurturing her bees while simultaneously introducing her neighbours to the joys of bees and the role bees play for us. During the past few years, I have helped Chief Crowchild foster beekeeping among the people at Tsuu'tina and I learned the valuable role that bee husbandry can play in developing useful life skills for everyone. I think that Nichol plays a similar role in her community. The hive design that she created allows people to observe and learn about nature first hand, while developing skills such as calm confidence, patience, and observation. There is a lot we can learn from bees.

I hope that you will permit Nichol Piniak to maintain her honey bees and the innovative home she is building for them on the part of her property that works best for her bees and for her goals of helping her neighbourhood.

Best regards,



Ron Miksha

[Redacted]  
[Redacted]



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# Development Authority Response to Notice of Appeal

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**Appeal number:** SDAB2021-0082

**Development Permit number:** DP2021-4495

**Address:** 1135 15 AV NE

**Description:** New: Accessory Residential Building (beehive) – building located in front setback area; fence (front) - height

**Land Use:** Residential – Contextual One/Two Dwelling

**Community:** Renfrew

**Jurisdiction Criteria:**

Subject to National Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, Alberta Utilities Commission or Minister of Environmental and Parks license, permit, approval, or other authorization: No

**DA Attendance:** Tentative, the Development Authority may attend the Merit's hearing to answer questions about what they felt was, and was not, a planning consideration in rendering the decision (expected 15 minutes)

**Use:** Permitted with Relaxation

**Notice Posted:** Not required

**Objections:** Yes

**Support:** No

**Bylaw relaxations:**

The development, requires the following relaxations of the rules of the Land Use Bylaw:

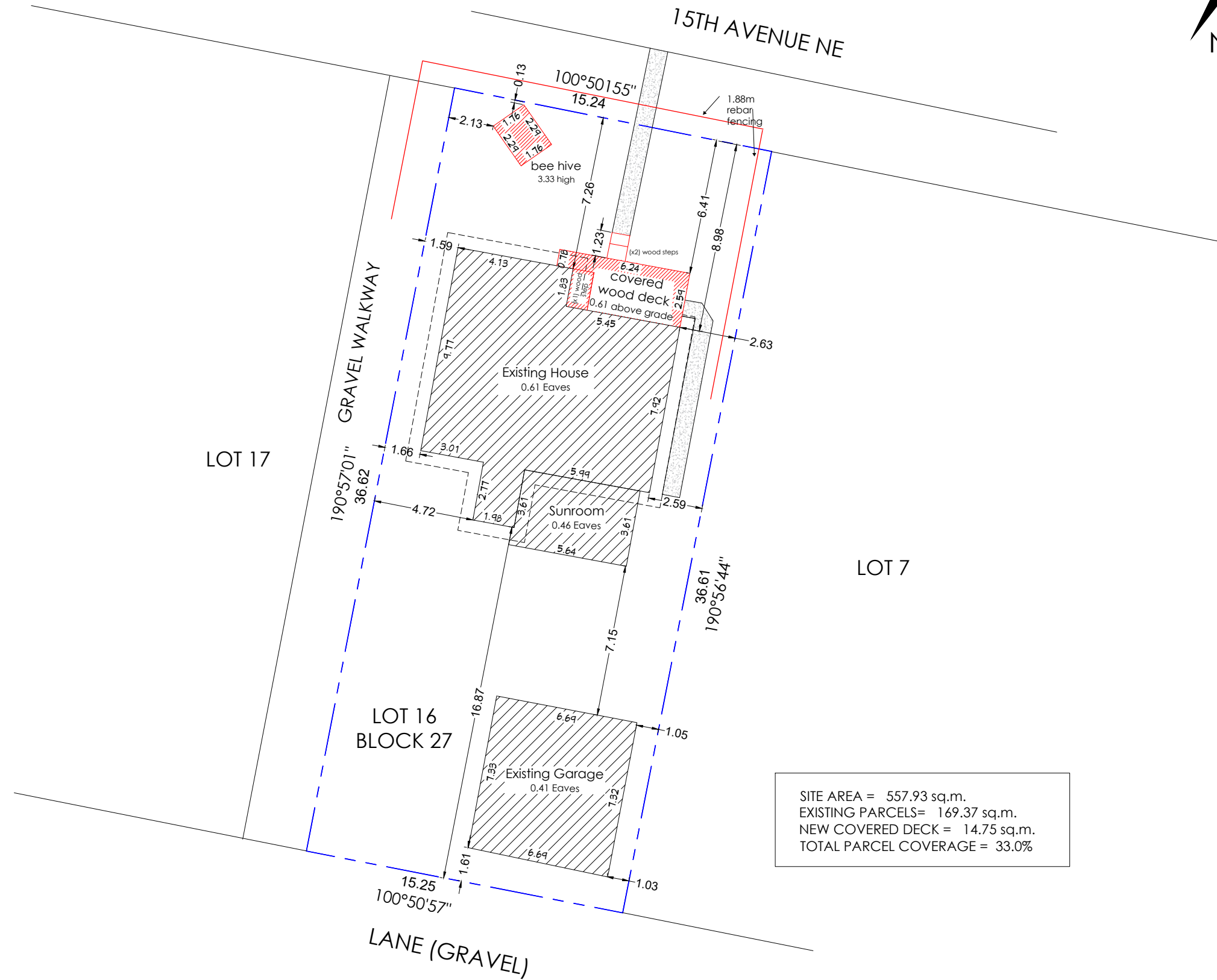
<b>Bylaw Discrepancies</b>		
<b>Regulation</b>	<b>Provided</b>	<b>Relaxation</b>
An Accessory Residential Building must not be located in the actual front setback area.	Located in front setback	100%
Maximum height of a fence located in the front yard is 1.2 metres.	1.9m (+0.7 metres) ** portions of fence may be outside of the property line	56.67%

**Applicable ARP, ASP or Design Brief (in addition to the MDP):**

- North Hill Communities Local Area Plan

**Additional factors, considerations and rationale for the decision:**

1. Please see the Reasons for Refusal:
  - a. Photographs from the site inspection were included as they represent the physical location of the building in comparison to the sidewalk
  - b. The exterior of the building has been updated since the photographs were taking, the images are only representative of physical location, not exterior finish
2. The Development Authority may provide additional submission prior to the merits hearing



1135 15 AVENUE NE,  
CALGARY AB

LPDesign

THESE DRAWINGS ARE THE PROPRIETARY  
WORK PRODUCT OF LP DESIGN. USE OF THESE  
DRAWINGS AND CONCEPTS CONTAINED  
THEREIN WITHOUT THE WRITTEN PERMISSION OF  
LP DESIGN IS STRICTLY PROHIBITED

ALL DIMENSIONS INDICATED ARE FOR FRAMING PURPOSES AND ARE TO BE CONFIRMED ON SITE

FRONT COVERED  
DECK AND BEE HIVE

LOT 16  
BLOCK 27  
PLAN 4221 G.L.

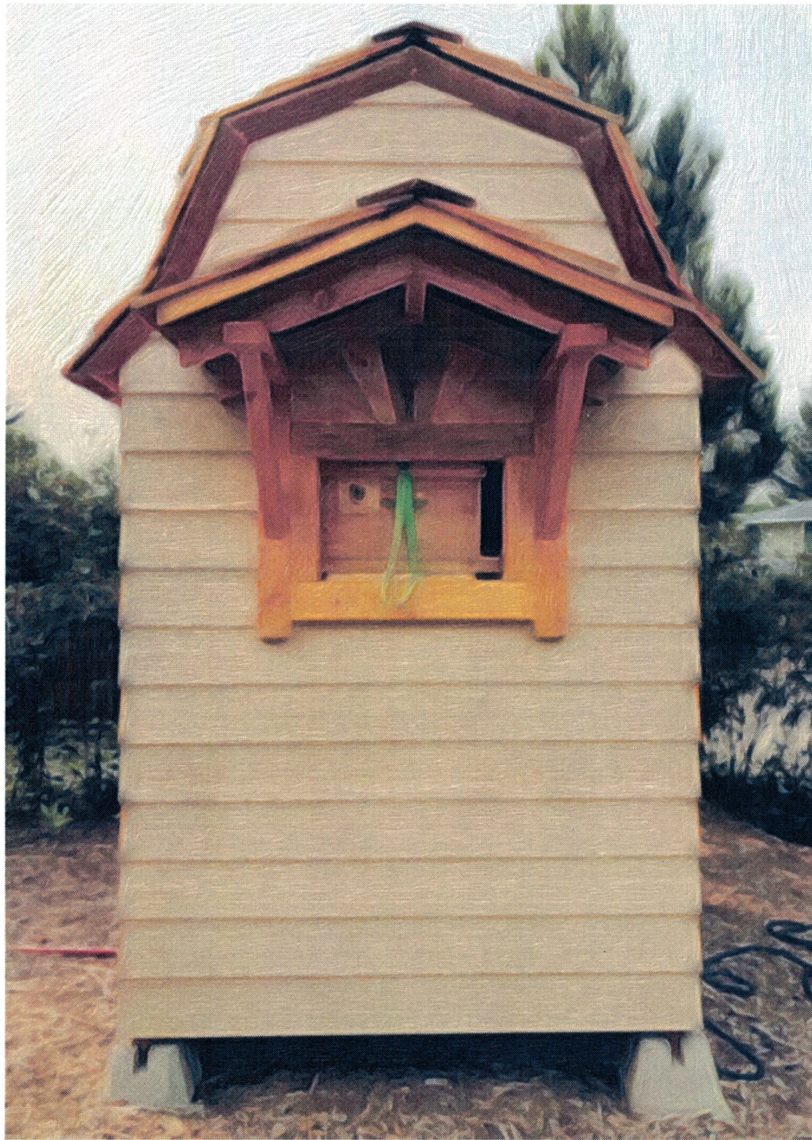
## SITE PLAN

SCALE: 1:200

MAY 25, 2021

SP - 1





### Ruby's BeeSuite

RESPONSIBLE ADVOCACY DONE THROUGH  
NATURE; BLENDED WITH SCIENCE, RESEARCH,  
DEVELOPMENT AND OBSERVATION.

OPPORTUNITIES TO STUDY HABITAT,  
CHANGING CLIMATE,  
AND BUILD RELATIONSHIPS THROUGH  
APPLIED EDUCATION AND  
MODEL BEHAVIOR.

BUILT WITHIN URBAN SETTINGS  
TO CREATE HABITAT THAT  
IS ATTRACTIVE TO SWARMS, MAKING  
THEM PART OF RESPONSIBLE,  
CITY PLANNING.

In memory of Renate Marianne Alexander  
1945-2020

1135 15 AVENUE NE,  
CALGARY

### Ruby's BeeSuite

DRAWINGS INTENDED AS  
EXAMPLE OF  
BEEHIVE EXOSKELETON.  
SECONDARY USE AS  
PROPOSED SWARM  
HABITAT IN CALGARY AND  
OTHER CITY  
MUNICIPALITIES.

DIMENSIONS ARE FOR  
A SINGLE COLONY OF  
HONEYBEES AND  
1-2 SPECTATORS OR  
BEE HANDLER.

### RESEARCH BEEHIVE

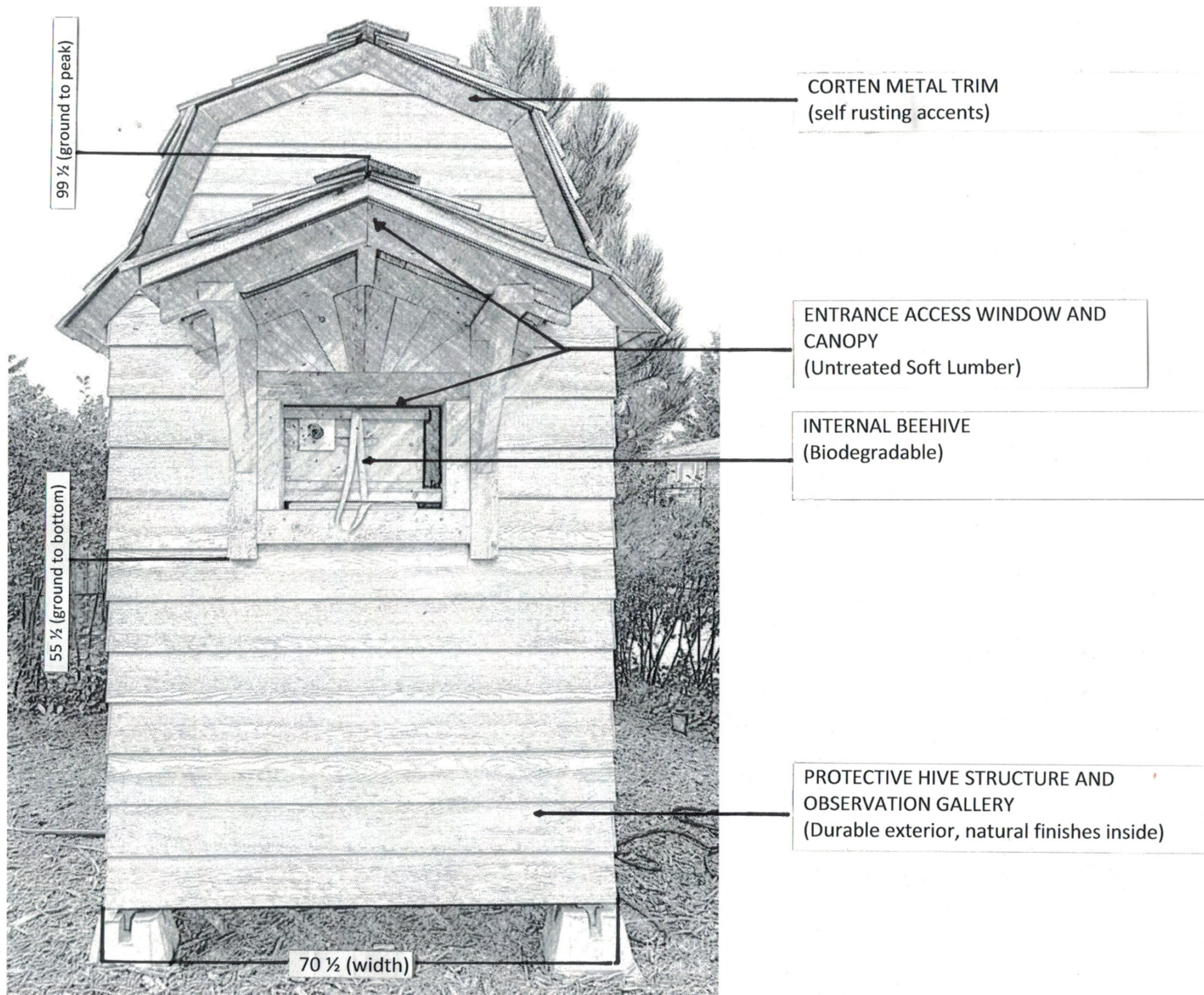
LOT 16  
BLOCK 27  
PLAN 4221 G.L.

### ELEVATIONS

JULY 30, 2021

STRUCTURE IS DESIGNED FOR RESEARCH ONLY, WILL BE MOVED AND DONATED FOR FURTHER OBSERVATION IN THE FUTURE





1135 15 AVENUE NE,  
CALGARY

### Ruby's BeeSuite

DRAWINGS INTENDED AS  
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### RESEARCH BEEHIVE

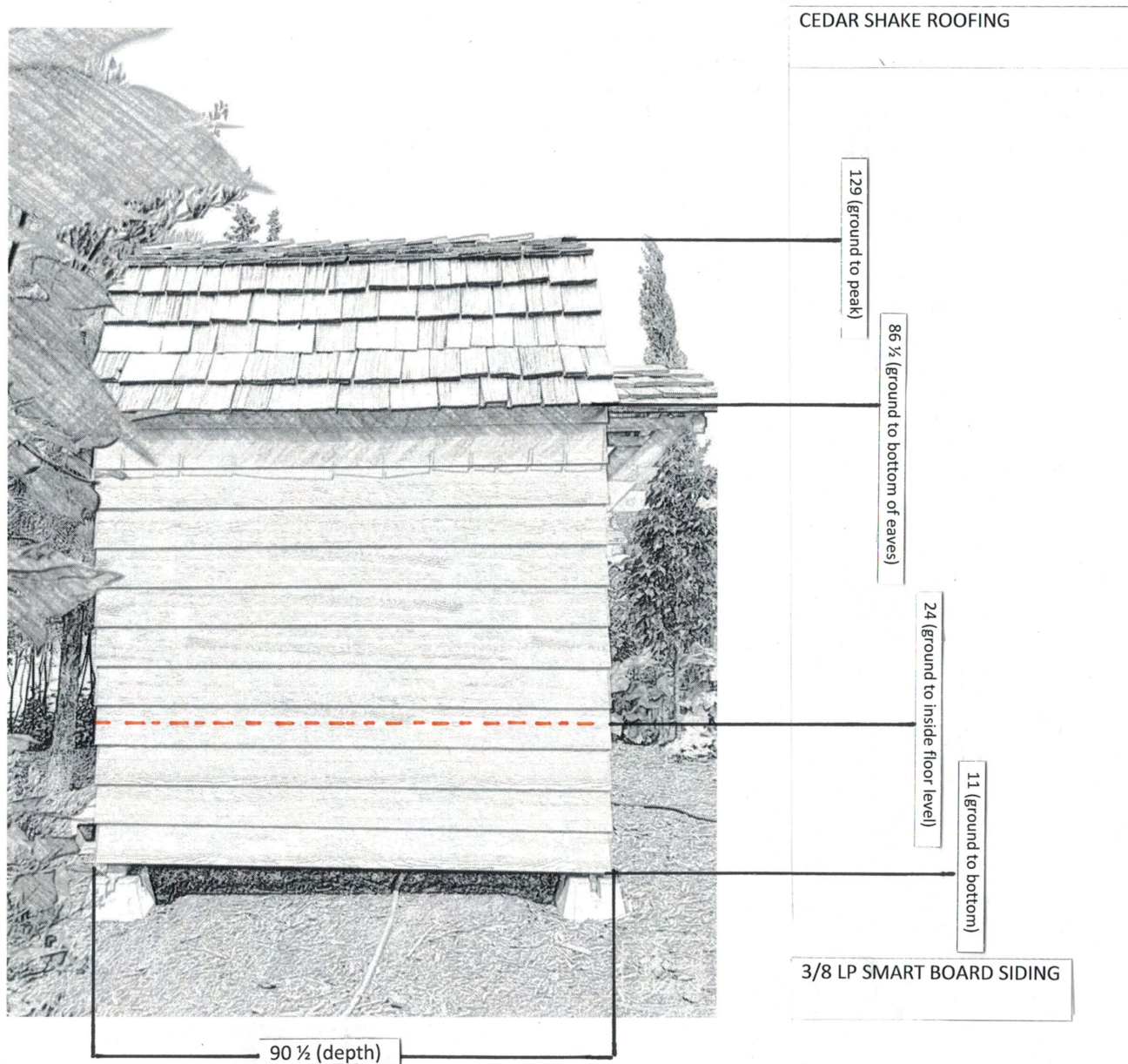
LOT 16  
BLOCK 27  
PLAN 4221 G.L.

### ELEVATIONS

JULY 30, 2021

RESIDENTIAL STRUCTURE DESIGNED WITH MATURING VEGETATION. SPECIES ARE VIGEROUS AND ROCCOMENDED BY THE CITY FOR LOW WATERING AND RELIANCE. MATURING PINE AND BUSHES ARE CURRENTLY CONCEALING ABOUT 2/3 OF VISIBILITY. AN ESTIMATE OF 3 MORE GROWING SEASONS UNTIL THE STRUCTURE IS OBSTUCTED FROM THE STREET VIEW. (Target Year 2024)





1135 15 AVENUE NE,  
CALGARY

### Ruby's BeeSuite

DRAWINGS INTENDED AS  
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### RESEARCH BEEHIVE

LOT 16  
BLOCK 27  
PLAN 4221 G.L.

ELEVATIONS

JULY 30, 2021





ACCESS DOOR AT REAR  
(vented)

PLYWOOD AND PVC TRIM

NATURAL LUMBER DETAILS

4 X 4 CEMENT DECK BLOCKS  
(on grade)

CINDER BLOCKS  
(floating step)

1135 15 AVENUE NE,  
CALGARY

### Ruby's BeeSuite

DRAWINGS INTENDED AS  
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BEEHIVE EXOSKELETON.  
SECONDARY USE AS  
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ELEVATIONS

JULY 30, 2021