

# Wheatland County

## Request for Decision

### Municipal Planning Commission

August 11, 2020

Report prepared by: Suzanne Hayes



## DP 2020-079

|                           |  |                  |   |
|---------------------------|--|------------------|---|
| <b>File Number:</b>       | DP 2020-079  | <b>Division:</b> | 6 |
| <b>Proposal:</b>          | Dwelling, Accessory                                      |                  |   |
| <b>Location:</b>          | Within the Hamlet of Rosebud on the East Side of Hwy 840 |                  |   |
| <b>Legal Description:</b> | 5756AW, Lot 94   |                  |   |
| <b>Title Area:</b>        | 1.52 Acres   |                  |   |
| <b>Existing Land Use:</b> | Residential  |                  |   |
| <b>Proposed Parcels:</b>  | N/A  |                  |   |

### Report

In 2014, the applicants received a permit for a 3600 ft<sup>2</sup> Dwelling, Single Detached within the hamlet of Rosebud. One of the conditions of the permit was that the applicants would apply to have the existing 632 ft<sup>2</sup> residence converted to an accessory building once the new primary residence was occupied. In 2014, a Dwelling, Accessory was not a use in the Land Use Bylaw, however the current bylaw lists a 2<sup>nd</sup> residence as a discretionary use within Hamlet Residential General zoning.

The dwelling is approximately 80 years old and meets the required size prescribed in the current bylaw as it stipulates that within a hamlet the Dwelling, Accessory is required to be smaller than the primary dwelling and shall not exceed 800.0 ft<sup>2</sup> in Gross Floor Area. It does not meet the current bylaw requirements for distance to the top of bank of a water body or top of a slope, due to its proximity to the bank of the Rosebud River, however it was constructed prior to the current bylaw and is considered to be a legal non-conforming building.

### Recommendation from Administration

THAT Municipal Planning Commission approve DP 2020-079 for a Dwelling, Accessory Subject to the following conditions:

1. This Development Permit is issued solely for an existing single family dwelling to remain as the second residence on the property – Defined as a Dwelling, Accessory.
2. Development shall proceed according to Hamlet Residential General (HRG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
3. No variances have been granted.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Applicant to ensure approach is developed to County standards. Please contact Wheatland County transportation & infrastructure assistant for details 403-934-3321.

## **Policy Analysis**

### **MUNICIPAL DEVELOPMENT PLAN (MDP)**

The proposed Dwelling, Accessory aligns with Section 3.6.1 of the MDP as it ensures that Wheatland residents have access to a range of affordable housing types, and a diversity of housing choices, to accommodate all stages of life.

### **ROSEBUD AREA STRUCTURE PLAN**

Part 2. Community Vision for Sustainability: Rosebud will remain a safe and welcoming place for residents and visitors, and will have added capacity through new bed and breakfasts and other small scale lodging operations. Growth will be important, but not at the detriment of the current scenic and quaint valley community.

The future land use concept identifies the parcel as “Mixed Use” (3.6) and states that mixed use development can help create complete, sustainable communities by providing for development that blends a combination of residential, commercial, cultural, and institutional uses. Many examples of mixed-use development already exist within the Hamlet, situated along Main Street and 1st Ave. All new mixed-use development should continue to maintain a similar scale and orientation to ensure the charm of the Hamlet of Rosebud is maintained.

**LAND USE BYLAW:** Dwelling Accessory is a Discretionary Use in the Hamlet Residential District (HRG).

#### **Definitions:**

**Dwelling, Accessory** – means a detached dwelling unit that is located on the same parcel as a Dwelling, Primary and is considered accessory and subordinate to that primary dwelling. Only one Dwelling, Accessory is permitted per lot.

**Dwelling, Primary** – (for the purpose of Section 8.7 Dwelling, Accessory) A Dwelling, Primary must be one of the following types: Dwelling, Single Detached, Dwelling, Moved-On, or Dwelling Modular.

### **8.7 Dwelling, Accessory**

#### **8.7.1 General Regulations:**

- a) Existing Dwellings:
  - When an existing dwelling is not one of the allowable housing types identified in the Dwelling, Primary definition (Dwelling, Single Detached, Dwelling Moved-On or Dwelling, Modular) OR an existing dwelling is one of the allowable housing types but is smaller than a new dwelling;
  - i. The applicant may apply for a permit to construct or place on the property a Dwelling, Primary (Dwelling, Single Detached, Dwelling Moved-On or Dwelling, Modular) and
  - ii. As stipulated as a condition of approval for the new Dwelling, Primary, construction shall not commence until a Development Permit has been obtained for the existing dwelling to be issued a permit as a Dwelling, Accessory.
  - iii. If for any reason the Dwelling, Primary is not constructed, the permit for the Dwelling, Accessory will be cancelled as per Section 6.2.1.
- b) A Dwelling Accessory:
  - i. Shall meet applicable Safety Codes and will require a Building Permit
  - ii. Shall not be located on a property that already has a secondary suite
  - iii. Shall have adequate water and sewer either through a shared or individual system
  - iv. Shall be located within a building other than the primary dwelling or as a detached standalone unit. For example: A Dwelling, Accessory may be built on top of an accessory building or garage
  - v. May require its own municipal address
  - vi. Shall require one additional parking space for the residents
  - vii. Shall follow the height and setback regulations in the applicable land use district, except where otherwise noted in this Bylaw.

#### **8.7.2 Size:**

- a) Outside of a hamlet the gross floor area of a Dwelling, Accessory will be no more than 80% of the Gross Floor Area of the primary dwelling. *As defined in the definitions section.*

#### 8.7.5 Additional Considerations:

- a) In considering a Development Permit application for a Dwelling, Accessory, the Development Authority has the discretion to consider such factors as:
- b) The effect of a Dwelling, Accessory on the character of a neighborhood and the cumulative effect of an additional dwelling within a specific location.
- c) The similarity of the Dwelling, Accessory to the principal dwelling or adjacent properties in architectural design, character, and appearance. For example: exterior wall materials, window types, door and window trims, roofing materials, and roof pitch.
- d) The location of the Dwelling, Accessory with preference for its close proximity to the principal dwelling so as to appear as a related building.
- e) The use of a shared approach.
- f) The availability of outdoor yard space that is useful for the residents of the Dwelling, Accessory.
- g) The provision of landscaping or screening to provide privacy between the Dwelling, Accessory and adjacent properties and dwellings.
- h) Other such considerations as the Development Authority may deem to be relevant

#### 8.7.6 Existing Temporary Dwellings or Existing Dwelling, Manufactured to be utilized as a Dwelling, Accessory (as per 8.6.1 a):

- a) At the discretion of the Development Authority, an existing Temporary Dwelling or an existing Dwelling Manufactured (as per 8.6.1 a) may be issued a permit as a Dwelling, Accessory even though it does not meet all of the provisions of this bylaw but will be evaluated in consideration of the following:
  - i. The existing dwelling was onsite prior to the date of the adoption of the current Land Use Bylaw.
  - ii. There have been no complaints from adjacent residents regarding the existing dwelling
  - iii. The existing dwelling has been well maintained and repaired as required
  - iv. The Development Authority may require a Safety Codes Inspection of an existing dwelling if deemed necessary.

#### Considerations:

- The proposed Dwelling Accessory has been on the property for approximately 80 years.
- The proposed Dwelling, Accessory fits with the context of the area, which is primarily residential.
- The future land use concept has identified this parcel as “Mixed Use” so the dwelling may allow for a future combination of residential and commercial development.
- The additional residence provides an additional housing option students and additional income for local residents.
- The property has a number of mature trees, which provide privacy for the dwelling, accessory.

#### **Technical Review**

- The parcel is accessed via a service road adjacent to Hwy 840 within hamlet boundaries.
- The two dwellings utilize existing individual approaches.
- Both residences are utilizing municipal water and wastewater.

## **Circulation Comments**

| AGENCY CIRCULATION                  |  |
|-------------------------------------|--|
| Not Performed                       | No Concerns.   |
| INTERNAL CIRCULATION                |  |
| Internal File Review                | Planner – Comments regarding the proximity of the residence to the Rosebud River.<br>Follow Up: The Dwelling is senior to the current setback of 100 ft. from the top of bank of a river and is considered to be legal-non-conforming. |
| NEIGHBOUR CIRCULATION               |  |
| To adjacent neighbors within 1 mile | No Comments Received at the time of this report.   |

## **Response Options**

Option 1: THAT MPC accepts/approves the recommendation as proposed.

Option 2: THAT MPC does not accept/approve the recommendation as proposed.

Option 3: THAT MPC accepts/approves an alternate recommendation of MPC's choosing.

## **Follow-up Action / Communications**

Inform Applicant of the Decision

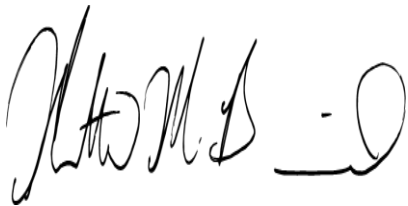
## Report Approval Details

|                      |  |
|----------------------|--|
| Document Title:      | DP 2020-079.docx                         |
| Attachments:         | - Appendices for Report DP 2020-079.docx |
| Final Approval Date: | Jul 29, 2020                             |

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Sherry Baers". The script is cursive and fluid.

Sherry Baers

A handwritten signature in black ink, appearing to read "Matthew Boscarol". The script is cursive and fluid.

Matthew Boscarol