

Wheatland County

Request for Decision

Municipal Planning Commission

October 13, 2020

Report prepared by: Suzanne Hayes



DP 2020-107

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|---------------------------|---|------------------|---|
| File Number: | DP 2020-107 | Division: | 2 |
| Proposal: | Variance Request (Existing Shed) | | |
| Location: | 4 Miles South of the Intersection of Hwy #1 and Hwy #21 | | |
| Legal Description: | Plan 941 1536, Block 1, NE-22-23-24-4 | | |
| Title Area: | 14 Acres | | |
| Existing Land Use: | Residential | | |
| Proposed Parcels: | N/A | | |

Report

The applicant requested a compliance review which was completed by Wheatland County on August 28, 2020. The review identified two existing sheds that had not received development permits as required. One of the sheds meets the appropriate setbacks, and one does not as it is located 1.09 m (3.58 ft) from the detached garage. Our current Land Use Bylaw states that an accessory building must meet the 1.52 m (5.0 ft) setback between buildings.

The applicant has applied for a development permit for the 2 existing sheds and requests a variance for the shed which does not meet the proper setback. A variance request greater than 10% requires a decision by Municipal Planning Commission (MPC).

Recommendation from Administration


THAT Municipal Planning Commission approve DP 2020-107 for a Variance for an existing shed subject to the following conditions:

1. This Development Permit is issued solely for the purpose of two existing sheds with one requiring a variance – Defined as two Accessory Buildings and a Variance.
2. The variance has been granted allowing the existing 3.77 m x 4.97 m shed to be located 1.09 m (3.58 ft) from the detached garage.
3. Development shall proceed according to Agricultural General (AG) District requirements and the applicant must comply with all applicable provisions of the Wheatland County Land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.

Policy Analysis

9.1 Agricultural General District (AG)

An Accessory Building is a Permitted Use in the Agricultural General District.

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| Setback Between Buildings / Structures | A minimum of 1.52 m (5.0 ft)  |
| Front Yard Setback | A minimum of 22.86 m (75.0 ft) from the right-of-way of a public road. |
| | A minimum of 15.24 m (50.0 ft) from the right-of-way of an internal subdivision road. |
| | A minimum of 3.05 m (10.0 ft) from the property line in all other cases. |
| | A minimum of 6.10m (20.0ft) from the property line for WECS micro and Category 1, and Solar Panel, Ground Mount, unless abutting the right-of-way of a public road |
| Side Yard Setback | A minimum of 22.86 m (75.0 ft) from the right-of-way of a public road. |
| | A minimum of 15.24 m (50.0 ft) from the right-of-way of an internal subdivision road. |
| | A minimum of 3.05 m (10.0 ft) from the property line in all other cases. |
| | A minimum of 6.10m (20.0ft) from the property line for WECS micro and Category 1, and Solar Panel, Ground Mount, unless abutting the right-of-way of a public road |
| Rear Yard Setback | A minimum of 22.86 m (75.0 ft) from the right-of-way of a public road. |
| | A minimum of 3.05 m (10.0 ft) from the property line in all other cases. |
| | A minimum of 6.10m (20.0ft) from the property line for WECS micro and Category 1, and Solar Panel, Ground Mount, unless abutting the right-of-way of a public road |

4.3 Variances

- 4.3.1 Upon receipt of an application for any development for which a variance exceeds 10 % of any numerical rules and regulations of this Bylaw, the Development Officer shall refer the application to the Municipal Planning Commission for a decision.
- 4.3.2 The Development Authority may approve a Development Permit even though the proposed development does not comply with this Bylaw or is a non-conforming building if, in the opinion of the Development Authority:
- a) The proposed development would not:
 - i. Unduly interfere with the amenities of the neighborhood; or
 - ii. Materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land; and
 - iii. The proposed development conforms with a similar use prescribed for that land or building in this Bylaw.

Considerations:

- The shed requiring a variance has been on the property since approximately 2014.
- The proposal meets the Land Use Bylaw criteria for approving a variance request as it would not affect neighboring properties.
- Although it is near to the garage, the two buildings are separated from the residence by approximately 27.0 m (90.0 ft)

Technical Review

The shed is located 94.13 m from the north property line adjacent to Range Rd. 234 with the driveway heading south and passing by the east side of the shed.

Circulation Comments

| AGENCY CIRCULATION | |
|-------------------------------------|--|
| Not performed | |
| INTERNAL CIRCULATION | |
| Internal File Review | Deputy Regional Fire Chief - As this request for variance is between the detached garage and shed with them being located approximately 90 feet away from the dwelling, I do not see any reason to deny the request. There is potential for fire spread between the 2 structures with the variances of the setback. With that said we are satisfied there is no life safety concern being that the dwelling is 90 feet away. |
| 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.

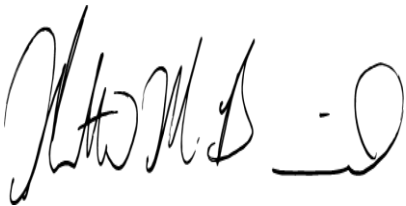
Report Approval Details

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| Document Title: | DP 2020-107.docx |
| Attachments: | - Appendices for DP 2020-107.docx |
| Final Approval Date: | Oct 1, 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