

# Wheatland County

## Request for Decision

### Municipal Planning Commission

### November 17, 2020

Report prepared by: Suzanne Hayes



## DP 2020-118

<b>File Number:</b>	DP 2020-118	<b>Division:</b>	5
<b>Proposal:</b>	Dwelling, Accessory (Variance Request to Maximum Size)		
<b>Location:</b>	On Hwy #21; 4.82 km (3 miles) North of Hwy #1		
<b>Legal Description:</b>	Plan 911 0212, Block 1, NE-27-24-24-4		
<b>Title Area:</b>	3.24 ha (8 acres)		
<b>Existing Land Use:</b>	Residential (Agricultural General District)		
<b>Proposed Parcels:</b>	N/A		

### Report

The existing Single Family Dwelling which will become the Primary Residence on the parcel has a gross floor area of 1110 ft<sup>2</sup>. The proposed Dwelling, Accessory is a new 20' x 76' manufactured dwelling with a gross floor area of 1520 ft<sup>2</sup>.

The definition for a Dwelling, Primary does not list a manufactured dwelling as one of the allowable housing types, therefore although it is the smaller of the two, the existing residence must be considered the primary dwelling, and the new manufactured dwelling must be considered the dwelling, accessory.

**Dwelling Primary** – must be one of the following types: Dwelling, Single Detached, Dwelling Moved-On or Dwelling Modular. It shall not be a Dwelling, Manufactured or a Dwelling, Relocatable Industrial accommodation (e.g.: camp shacks) in whole or in part.

The Land Use Bylaw stipulates that the size of a Dwelling Accessory will be no more than 80% of the total area of the primary dwelling, therefore a variance has been requested. If this application is approved, the ratio will be reversed as the existing primary dwelling will be 73% of the size of the proposed Dwelling, Accessory.

### Recommendation from Administration

THAT Municipal Planning Commission approve DP 2020-118 for a Dwelling, Accessory with a Variance subject to the following conditions:

1. This Development Permit is issued solely for a new manufactured dwelling to be the second residence on the property and to be larger than the primary residence – Defined as a Dwelling, Accessory with a Variance.
2. The variance has been granted allowing the Dwelling, Accessory (1520 ft<sup>2</sup>) to be greater than 80% of the size of the Dwelling, Primary (1110 ft<sup>2</sup>).
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.

5. Applicant to ensure approach is developed to County standards. Please contact Wheatland County transportation & infrastructure assistant for details 403-934-3321.
6. Landowner/applicant to purchase A & B signs (to accompany existing rural address sign) from the County Administration Office and install them in a visible location adjacent to each residence.

## **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.

**LAND USE BYLAW:** Dwelling Accessory is a Discretionary Use in the Agricultural General District (AG).

### **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.

## **8.8 Dwelling, Accessory**

### **8.8.1 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.

If for any reason the Dwelling, Primary is not constructed, the permit for the Dwelling, Accessory will be cancelled. See the Suspension or Cancellation of a Development Permit section for further information.

#### **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. Shall 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.

#### 8.8.2 Size:

- a) Outside of a hamlet the total area of a Dwelling, Accessory will be no more than 80% of the total area of the primary dwelling. Total area calculation includes all floors of the dwelling unit including enclosed decks, additions, and attached garages, but excludes basements.
- b) Inside a hamlet the Dwelling, Accessory shall be smaller than the primary dwelling and shall not exceed 74.32 m<sup>2</sup> (800.0 ft<sup>2</sup>). Total area calculation includes all floors of the dwelling unit including enclosed decks, additions, and attached garages, but excludes basements.
- c) A Dwelling, Accessory will count as part of the total lot coverage for the land use district, such as Hamlet Residential or Country Residential.

#### 8.8.3 Location:

- a) The Dwelling, Accessory shall be a minimum of 3.05 m (10.0 ft) from the primary residence.

#### 8.8.4 Design:

- a) A Dwelling, Accessory will contain at least two rooms and will include a kitchen, washroom and sleeping area.
- b) Wherever possible, the windows and doors on a Dwelling, Accessory should be located away from yards of adjacent properties to protect privacy.

#### 8.8.5 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.

#### 8.8.6 Existing Temporary Dwellings or Existing Dwelling, Manufactured to be utilized as a Dwelling, Accessory:

- a) At the discretion of the Development Authority, an existing Temporary Dwelling or an existing Dwelling Manufactured 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.

### 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 proposed application is a discretionary use listed within the Agricultural General (AG) District.
- Both dwellings, have a similar roof pitch and both have stonework trim.
- The proposed Dwelling, Accessory fits with the context of the area, which is primarily agricultural and residential.
- Although the primary will be smaller than the accessory dwelling, the intent of having one visually larger than the other will still be met.
- The proposed variance will not have an adverse impact.

### Technical Review

- Both residences will share the existing access which is directly off Hwy #21. Alberta Transportation has issued a Roadside Development Permit.
- A new septic system will be constructed on the property, but the new dwelling will share the existing well with the primary residence.

### Circulation Comments

AGENCY CIRCULATION	
Alberta Transportation	A Roadside Development Permit has been issued.
INTERNAL CIRCULATION	
Internal File Review	No Concerns.
NEIGHBOUR CIRCULATION	
To adjacent neighbors within 1 mile	No Concerns.

**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**

Notify Applicant of the decision.

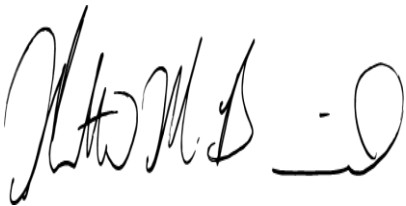
## Report Approval Details

Document Title:	DP 2020-118.docx
Attachments:	- Appendices for DP 2020-118.docx
Final Approval Date:	Nov 6, 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