

Wheatland County

Request for Decision

Municipal Planning Commission

December 8, 2020



Report prepared by: Suzanne Hayes

DP 2020-137

File Number:	DP 2020-137	Division:	5
Proposal:	Accessory Building (Variance to Internal Subdivision Road)		
Location:	North East of Ardenode on RR255		
Legal Description:	Plan 971 1885, Block 1, NW-32-25-25-4		
Title Area:	3 acres		
Existing Land Use:	Residential (Country Residential CR)		
Proposed Parcels:	N/A		

Report

The applicants purchased the property which had existing concrete piles where a shop was proposed to be located. The new owners would like to utilize the existing concrete piles and place the new shop in the same proposed location.

The distance from the existing building site to the property line adjacent to the internal subdivision road is 8.53 m (28.0 ft) and the required setback is 15.24 m (50.0 ft) to an internal subdivision road. The proposed building location meets the setbacks to all other property lines.

The subject parcel was existing when the other 3 lots were subdivided in 2008 and the internal subdivision road was put in place. Historical aerial photos indicate the location of the future shop was there in 2007 prior to the internal road being constructed. In 2007 the setback to a side yard property line was 7.62 m (25.0 ft) and the placement would have met that setback. Had it been built at the time; it would now be considered to be a legal non-conforming building. Since the shop was not constructed, it will require a variance to build in that location under today's land use bylaw.

Recommendation from Administration

THAT Municipal Planning Commission approve DP 2020-137 for a variance to the setback for an internal subdivision road subject to the following conditions:

1. This Development Permit is issued solely for the purpose a 40' x 80' shop with a variance to the setback to the internal subdivision road – Defined as an Accessory Building with a Variance.
2. The variance has been granted allowing the shop to be located 8.53 m (28.0 ft) from TWP 255A.
3. Development shall proceed according to Country Residential (CR) 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

9.3 Country Residential District

Minimum Parcel Size	0.40 ha (1.0 ac) or greater
Maximum Parcel Size	Less than 2.02 ha (5.0 ac)
	Larger parcel sizes may be considered due to land characteristics such as topographic constraints, water features, severed parcels and existing parcel development or configuration.
Maximum Lot Coverage	No buildings, structures or impervious surfaces shall cover more than 40% of the lot area.
Required Buildable Area	In accordance with the Buildable Area for Parcels Section of this Bylaw
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 Requirements	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
Yards Setbacks from Existing and Proposed Highways and Service Roads	Discretion of Alberta Transportation
Other Setbacks	See the <i>Special Setback Requirements</i> section of this Bylaw for additional setback requirements that may apply.
Building Heights	Dwelling Unit: Maximum 12.19 m (40.0 ft)
	For all other Permitted and Discretionary Uses: Limited to such height as deemed suitable and appropriate for the intended use.
	WECS (micro), Category 1, and Solar Panel, Ground Mount: See height restrictions for 'Development Permits Not Required,' section.



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 proposal meets the criteria listed in LUB section 4.3 regarding variances.
- No concerns were raised from the circulation to surrounding landowners.
- Transportation and Infrastructure had no concerns with the placement of the shop in relation to the internal subdivision road.

Technical Review

The property is accessed off RR 255, not the internal subdivision road which was put in place when the other three (3) parcels were created.

Circulation Comments

AGENCY CIRCULATION	
Not performed	
INTERNAL CIRCULATION	
Internal File Review	No Concerns.
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

Follow Up with the applicant on MPCs' decision.

Report Approval Details

Document Title:	DP 2020-137.docx
Attachments:	- Appendices for Report DP 2020-137.docx
Final Approval Date:	Nov 27, 2020

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



Sherry Baers



Matthew Boscarol