

Wheatland County

Request for Decision

Municipal Planning Commission

March 9, 2021



Report prepared by: Suzanne Hayes

DP 2021-019

File Number:	DP 2021-019	Division:	6
Proposal:	Variance Request (Setback Between an Existing Greenhouse and the Dwelling)		
Location:	7.2 km (4.5 m) east of Nightingale (east of Hwy 21)		
Legal Description:	SW-25-25-24-4		
Title Area:	22.93 hectares (56.67 acres)		
Existing Land Use:	Residential and Agricultural (Agricultural General District)		
Proposed Parcels:	n/a		

Report

The applicant applied for a Certificate of Compliance in September of 2020 and it was determined that an existing shed did not have a development permit and that the greenhouse did not meet the required setback between buildings. The greenhouse is located 0.11 m (0.36 ft) at the closest point from the dwelling and the required setback is 1.52 m (5.0 ft).

This application has been submitted to obtain a development permit for the shed and a variance for the greenhouse in order to allow it to remain in its' current location.

Recommendation from Administration

THAT Municipal Planning Commission approve DP 2021-019 for a shed and a private greenhouse with a variance subject to the following conditions:

1. This Development Permit is issued solely for the purpose of an Existing 4.20 m x 2.47 m Shed and a 2.43 m x 1.83 m Greenhouse with a Variance to the Setback Between Buildings – Defined as an Accessory Building and a Greenhouse, Private with a Variance.
2. The variance has been granted allowing the greenhouse to remain located 0.11 m (0.36 ft) from the dwelling.
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 (AG)

An accessory building and a greenhouse, private are permitted uses in the AG district.

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 as it should not have a negative impact on surrounding landowners.
- No concerns were raised from the circulation to surrounding landowner.
- No concerns were raised from the Deputy Regional Fire Chief.

Technical Review

- The parcel is accessed off RR 254.
- There is no gas or electricity installed in the greenhouse.

Circulation Comments

AGENCY CIRCULATION	
Western Irrigation District	No concerns.
INTERNAL CIRCULATION	
Deputy Regional Fire Chief	Since the greenhouse doesn't have power or gas going to it, although close to the primary dwelling there are no concerns as the fire hazard is minimal.
NEIGHBOUR CIRCULATION	
To adjacent landowners within 1 mile	No comments 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

Notify applicant of MPC's decision.

Report Approval Details

Document Title:	DP 2021-019.docx
Attachments:	- Appendices for DP 2021-019.docx
Final Approval Date:	Feb 26, 2021

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



Sherry Baers



Matthew Boscarol