



**WHEATLAND COUNTY**

**Where There's Room to Grow**



## **DEVELOPMENT PERMIT REPORT**

Municipal Planning Commission

January 20, 2020

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**Development Permit Number:** DP 2019-173

**PROPOSAL:** Dwelling, Accessory with Variance (to maximum size)

**LEGAL DESCRIPTION:** NE-22-25-25-4

**LOCATION:** Approx. 8.25 km (5.13 miles) north of Strathmore

**PARCEL SIZE:** 12.78 acre parcel

**ZONING:** Agricultural General (AG)

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### **DETAILS OF PROPOSAL:**

The applicants met with staff over a period of several months in 2019 to discuss options to increase on-site accommodations for temporary foreign workers employed at their bee farm and honey mill. The applicants proposed accommodations that ranged from the use of “camp shacks” to dormitory style housing. However, the proposals did not meet the requirements of the Agricultural General (AG) District of the Land Use Bylaw.

In August of 2019 the applicants inquired about constructing an addition to the existing dwelling that would accommodate the workers. The addition, as described, appeared to meet the requirements of a secondary suite. However, when the applicants submitted the application for a secondary suite, the plans were for what appeared to be the addition of a “camp shack” to the main dwelling. The addition did not include a kitchen or cooking facilities but consisted of bedrooms and bathrooms. The application did not meet the Land Use Bylaw requirements. The applicants were advised of this and that if they wished to proceed with this option, the property could be rezoned to a Direct Control District to accommodate their specific needs. The applicants did not want to pursue this option.

Staff met with the applicants in September 2019 to discuss alternative options that would not include rezoning the property. The applicants ultimately decided that they would construct a new primary dwelling and convert the existing dwelling to an accessory dwelling, which is permitted within the AG District.

On September 30, 2019 the applicant was issued a permit to construct a new 1950 ft<sup>2</sup> Dwelling, Single Detached as the primary residence on the parcel with one of the conditions stating that prior to construction occurring they needed to obtain a permit for the existing residence to be permitted as a Dwelling, Accessory.

On November 19, 2019 MPC approved the permit for the Dwelling, Accessory for the existing residence.

While processing the building permit for the new primary residence, staff noted that the drawing submitted with the application was for a trailer structure containing bedroom units with bathroom facilities with an addition to the trailer for a kitchen/living space and laundry room; not new construction. The Land Use Bylaw is very specific in regard to the types of housing that can be considered as the primary dwelling, which does not include a manufactured dwelling.

Because a portion of the 1950 ft<sup>2</sup> dwelling would be considered a manufactured dwelling, it cannot be the primary residence on the parcel, but could become the accessory dwelling, as originally discussed and recommended during preliminary meetings with the applicant in March of 2019. The existing 1350 ft<sup>2</sup> residence would then be delegated as the primary residence.

The proposed 1950 ft<sup>2</sup> Dwelling, Accessory will be larger than the 1350 ft<sup>2</sup> Dwelling, Primary, therefore, a variance is requested to the 80% size ratio.

*“8.7.2 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.”*

The application for the accessory dwelling does not fit entirely within the definitions of the County's Land Use Bylaw as it is a combination of a trailer (manufactured home) and construction of an addition to include a kitchen, dining, and living area to the dwelling. The accessory dwelling will be required to meet the Alberta Building Code, and would require an engineer to do a structural design of the dwelling.

#### **RELEVANT POLICY/LEGISLATION**

##### **CALGARY METROPOLITAN REGIONAL BOARD (CMRB):**

The application falls outside of the CMRB plan area, no review by the Board is required.

##### **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. It also allows for residents to work in close proximity to their place of residence.

##### **AREA STRUCTURE PLANS:**

The application falls outside of any area structure plans.

## LAND USE BYLAW (LUB):

### 9.1 Agricultural General District (AG)



#### Purpose and Intent

The purpose and intent of this district is to promote and accommodate agricultural land uses that support the goals and objectives of the Municipal Development Plan and preserve the agrarian character of the County.

#### Permitted and Discretionary Uses

- a) The following uses shall be permitted or discretionary with or without conditions provided the application complies with the regulations of this district and this Bylaw:

Permitted	Discretionary
Accessory Building / Structure	Abattoir
Agricultural Operation <sup>1</sup>	Agricultural Processing – Major
Agricultural Processing – Minor	Bed and Breakfast
Dwelling, Clustered Farm	Composting Facility
Dwelling, Manufactured	Day Home
Dwelling, Modular	Dwelling, Accessory
Dwelling, Moved On	Dwelling, Temporary
Dwelling, Secondary Suite	Equestrian Centre
Dwelling, Single Detached	Farm Gate Sales
Farm Building	Greenhouse, Public
Greenhouse, Private	Home-Based Business, Type 2
Shipping Container	Home-Based Business, Type 3
Signs not requiring a Development Permit <sup>1</sup>	Kennel
Solar Panel, Ground Mount <sup>1</sup>	Nursery
Solar Panel, Structure Mount <sup>1</sup>	Shooting Range, Minor
Stripping and Grading <sup>1</sup>	Signs requiring a Development Permit <sup>2</sup>
WECS (micro) <sup>1</sup>	Stockpile
WECS (Category 1) <sup>1</sup>	Tower

#### 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.

*Due to the combination of the trailer structure with an addition, the completed structure would not be considered one of the allowable housing types listed above. Portions of it fit into the various definitions (below), but it does not fit entirely within any one of them. For this reason, the existing Dwelling, Single Detached must be delegated as the primary dwelling.*

**Dwelling, Single Detached** – means a single building which contains one Dwelling, Unit with the exception of an approved Dwelling, Secondary Suite. This does not include Dwelling, Manufactured or Dwelling, Modular.

*Safety Codes has advised that the trailer structure would be considered a Dwelling, Manufactured. Therefore, the proposed trailer structure with addition does not meet the definition for a Dwelling, Single Detached.*

**Dwelling, Moved On** – means a Dwelling, Single Detached that has previously been used as a residence that has now been relocated to a new parcel for the purpose of a Dwelling, Single Detached.

*Since the moved on trailer structure is considered to be a Dwelling, Manufactured (according to Safety Codes), the proposal does not meet this definition as it refers only to a Dwelling, Single Detached.*

*In addition to providing photos of all 4 sides of the trailer structure, the applicants were also asked to provide an illustration or example of what the final product would look like and had provided one photo of a portion of a structure they anticipate the new building will resemble.*

**Dwelling, Modular** – means a residential building containing one dwelling unit built in a factory in one or more sections, suitable for long term occupancy, and designed to be transported to a suitable site. Modular Dwellings must conform to CSA A277 standards and have a minimum floor area length to width ratio of 3:1. This definition also includes Ready-to-move (RTM) dwellings. See Dwelling, Modular Section for more information.


*The trailer structure does not meet the A277 requirement, and by itself, does not meet the 3:1 ratio, but the final structure with addition will likely meet the ratio.*

**Dwelling, Manufactured** – means a prefabricated, transportable single or multiple section dwelling unit that conforms to CSA A277 certified standards at time of manufacture. It is ready for residential occupancy upon completion of setup in accordance with the required factory recommended installation instructions. The home is typically transported to a site on its own chassis and wheel system or on a flatbed truck.

*The trailer structure portion of the proposed dwelling does not meet the A277 requirement. However, Safety Codes has advised staff that due to the combination of the trailer unit containing the bedroom units with new construction to add the living/kitchen space and laundry room, the certification would no longer be valid as an engineer would be required to do a structural design of the dwelling.*

## 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:

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- 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.*
  - 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>) in Gross Floor Area. *As defined in the definitions section.*
  - 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.


### 8.7.3 Location:

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

### 8.7.4 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.

#### 8.7.5 Additional Considerations:

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- 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.

### 3.4.2 Variance

- d) Municipal Planning Commission shall render decisions on all Development Permit applications that require a variance or relaxation of this Bylaw, except when variance requests do not exceed 10%. A variance shall only be granted provided that the proposed development shall 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 the use prescribed for that land or building in the Bylaw.

**CIRCULATION COMMENTS:**

AGENCY CIRCULATION	
Western Irrigation District	No Concerns (as per previous application).
CN Rail	No Concerns (as per previous application).
Alberta Transportation	A Roadside Permit was issued for a new dwelling on a previous application.
INTERNAL CIRCULATION	
Internal File Review	Park Enterprises – Part of the structure would be considered a manufactured dwelling, but in order to add the addition, they will need an engineer to do a structural design for the combined structure and any other certifications would no longer be valid.
NEIGHBOUR CIRCULATION	
To adjacent neighbors	No Comments Received.

**OPTIONS:**

Staff proposes the following 3 possible options for Municipal Planning Commission to consider:

Option #1: THAT Municipal Planning Commission approve DP 2019-173:

Resolution 1: THAT Municipal Planning Commission approve DP 2019-173 for a Dwelling, Accessory with a Variance subject to conditions noted in Appendix A.

Option #2: That Municipal Planning Commission refuse DP 2019-173 with reasons given.

Option #3: That Municipal Planning Commission provide an alternative recommendation.

**RECOMMENDATION:**

That Municipal Planning Commission choose Option #1 to approve DP 2019-173 for a Dwelling, Accessory with a Variance with conditions noted in Appendix A of the Development Permit Report based on the following:

- The proposed Dwelling, Accessory aligns with 3.61 of the MDP.
- The proposed application is a discretionary use listed within the Agricultural General (AG) District.
- The proposed Dwelling, Accessory fits with the context of the area, which is primarily residential and agricultural in nature.
- The intent of the size ratio is to ensure one dwelling is smaller than the other, this intent will still be met.
- The variance request does not interfere with any neighboring properties.

- By granting the proposed variance, with the stated conditions of approval which include the submission of a structural design, and the \$5000 deposit, the Development Authority has determined that the proposed Dwelling, Accessory complies with intent of the County's Land Use Bylaw rules and regulations.



## Appendix A:

1. This Development Permit is issued solely for a second residence (trailer structure with an addition) on the property - Defined as a Dwelling, Accessory.
2. A variance has been granted to the 80% size ratio allowing the Dwelling, Accessory (1950 ft<sup>2</sup>) to be larger than the Dwelling, Primary (1350 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. Used dwelling deposit of \$5000 to be submitted and refunded upon:
  - a) Foundation finished with appropriate material.
  - b) Exterior stairs to be installed (if required).
  - c) Exterior finish (i.e.: siding) to the satisfaction of the Development Officer.
  - d) All roofing, windows and paint completed to the satisfaction of the Development Officer.
  - e) Any other requirements as deemed necessary by the Development Officer.
7. A qualified structural engineer to provide a structural design for the Dwelling, Accessory (trailer structure with an addition) to the reasonable satisfaction of Wheatland County and/or its agents.

## NOTES:

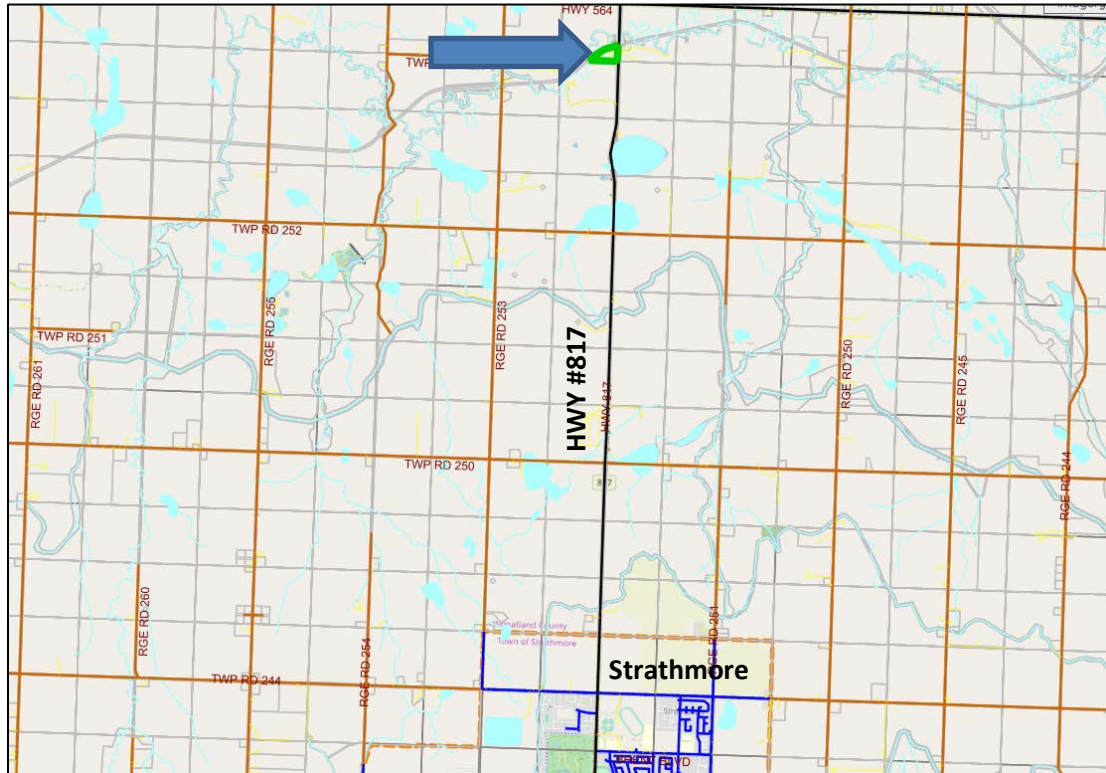
- ALL CONSTRUCTION SHALL CONFORM TO ALBERTA SAFETY CODE REGULATIONS.
- DEVELOPMENT SHALL MEET ALL PROVINCIAL AND FEDERAL LEGISLATION.



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Suzanne Hayes, Development Officer

## Appendix B: Location Plan



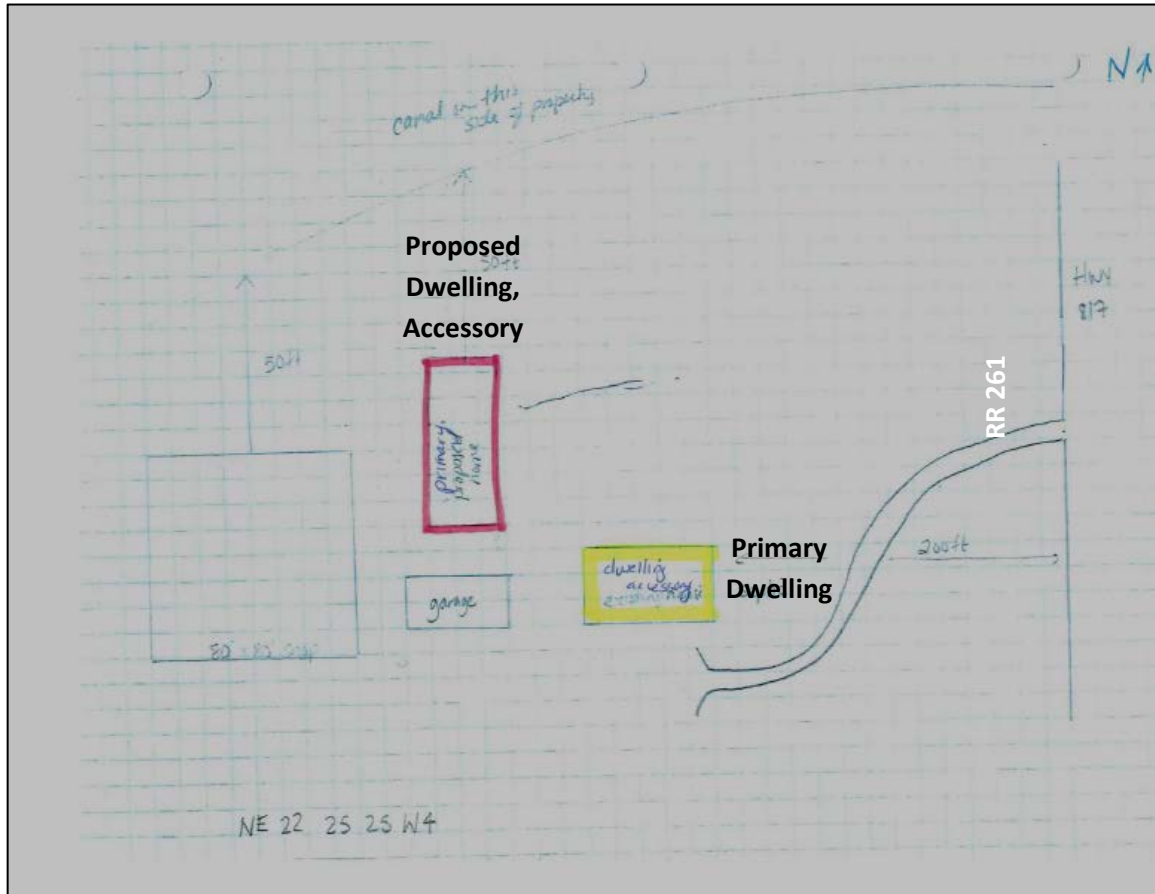
## Appendix C: Aerial Photos



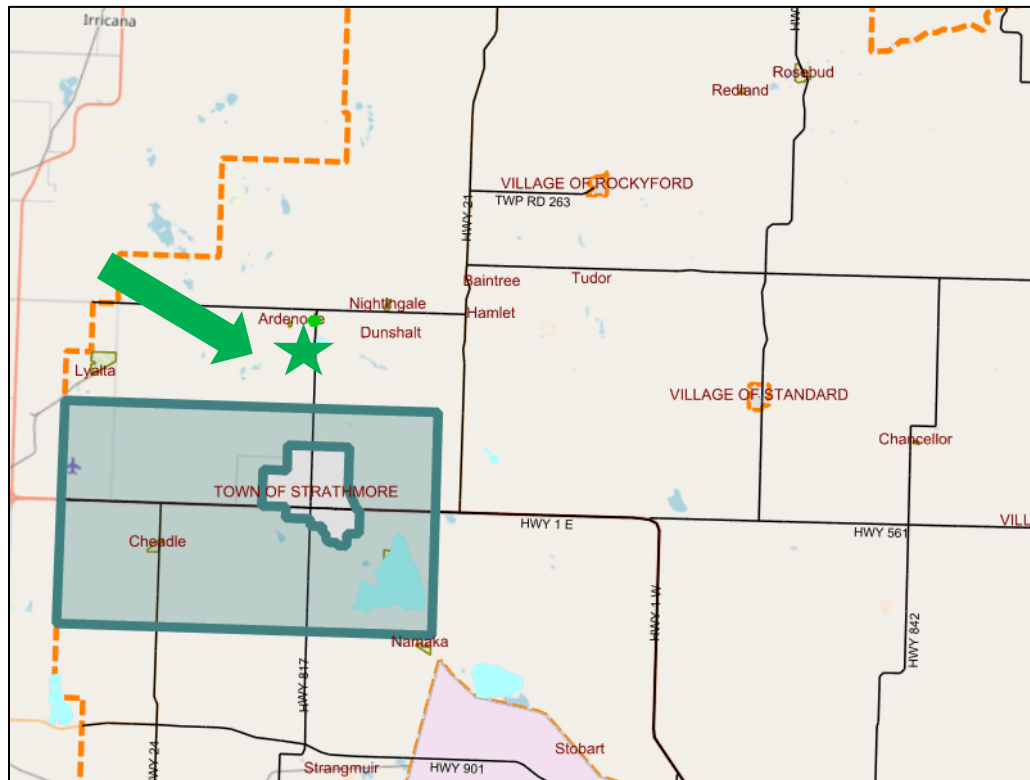




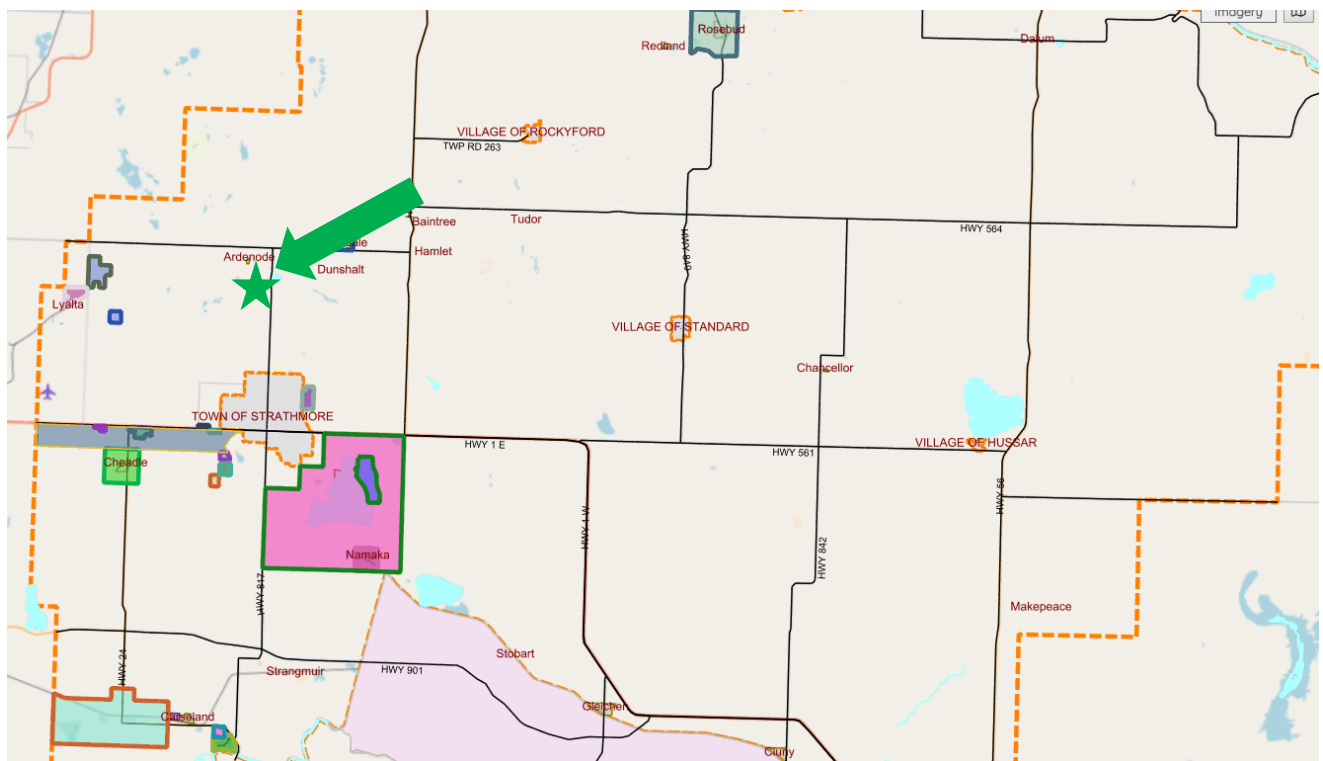
## Appendix D: Site Plan



## Appendix E: CMRB Plan Area

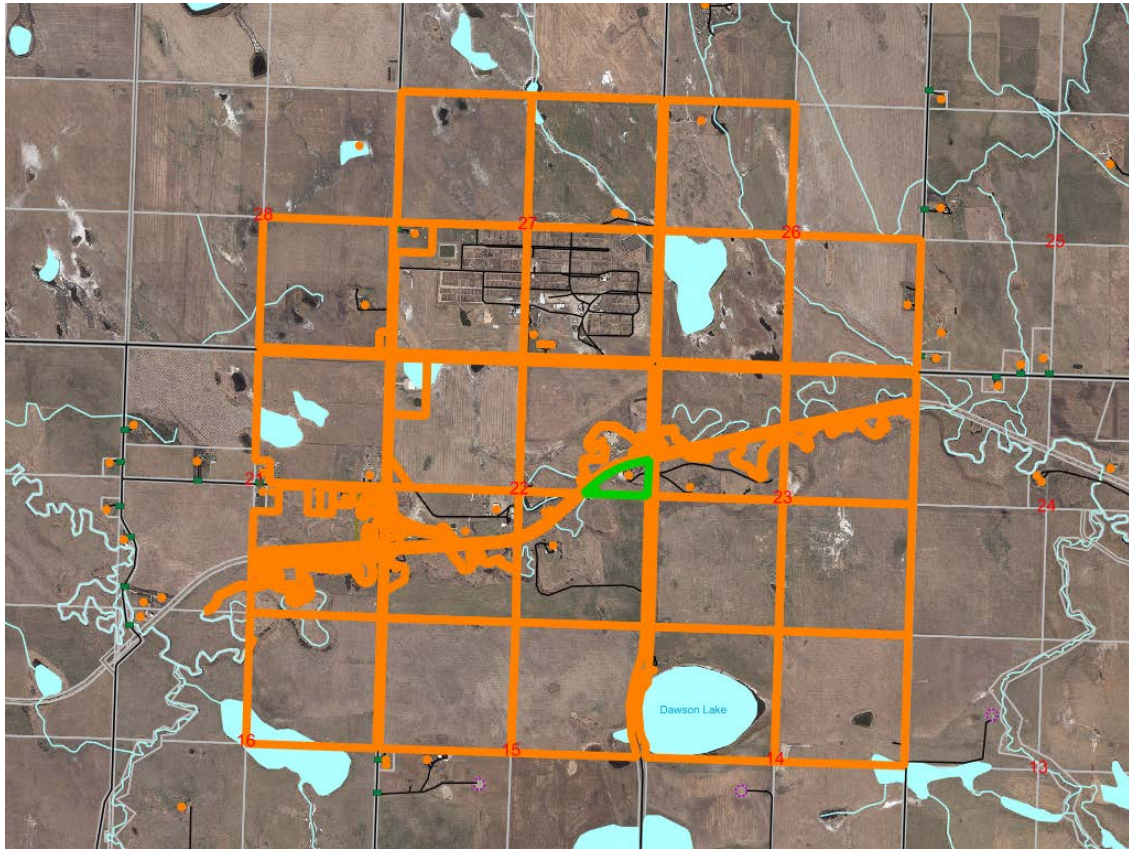


## Appendix F: Area Structure Plans





## Appendix G: Circulation Area



## Appendix H: Photos



**Trailer Structure which will form part of the proposed dwelling**









**Example of Completed Structure**



Appendix I: Proposed Floor Plan Provided for Building Permit Application

