

# Wheatland County

## Request for Decision

### Municipal Planning Commission

April 14, 2020

Report prepared by: Suzanne Hayes



## DP 2020-016

<b>File Number:</b>	DP 2020-016
<b>Proposal:</b>	Dwelling, Accessory
<b>Location:</b>	8.05 km (5 miles) West of Strathmore
<b>Legal Description:</b>	SE-21-24-26-4
<b>Title Area:</b>	8.56 ha (21.15 ac)
<b>Existing Land Use:</b>	Residential
<b>Proposed Parcels:</b>	N/A

### Report

A permit was issued for a Temporary Dwelling for Farm Help in 2003 for a 3 year term on an 8.56 ha (21.15 acre) parcel. No subsequent approvals had been obtained for the temporary dwelling (for farm help) so the permit expired. The current land use bylaw no longer lists a Temporary Dwelling (for farm help) as a use, so a second dwelling on a parcel of this size must obtain a permit as a Dwelling, Accessory.

The proposed Dwelling, Accessory is a 1994 (1216 ft<sup>2</sup>) existing manufactured dwelling. The original dwelling on the property (which will be considered the primary dwelling) is a 2002 (1152 ft<sup>2</sup>) manufactured dwelling.

Under the current bylaw, the primary dwelling must be larger than the accessory dwelling and must be one of the allowable housing types listed in the Dwelling, Primary definition, which does not include a manufactured dwelling.

A policy under the current bylaw offers an exemption allowing for an existing Temporary Dwelling to be granted a permit as a Dwelling, Accessory even though it does not meet all the provisions of the current bylaw:

8.7.6 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.

## **Recommendation from Administration**

THAT Municipal Planning Commission approve DP 2020-016 for a Dwelling, Accessory Subject to the following conditions:

1. This Development Permit is issued solely for an existing manufactured dwelling to remain as the second residence on the property – Defined as a Dwelling, Accessory.
2. An exemption has been granted under LUB section 8.7.6 a) allowing the Dwelling, Primary to be a manufactured dwelling and be smaller in Gross Floor Area than the Dwelling, Accessory.
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.

## **Policy Analysis**

**CALGARY METROPOLITAN REGIONAL BOARD (CMRB):** The application falls within the plan area, however no statutory plan is being amended, therefore no review is required by the Board.

**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.

**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.

## 8.7 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:

- 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.*

#### 8.7.5 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

#### 8.7.6 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.

#### Considerations:

- The dwelling has existed on the property since 2003, issuance of the permit will legalize the use.
- The proposal meets the exemption criteria listed in LUB section 8.7.6.
- 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.

## **Technical Review**

- The parcel is accessed via RR263 and shares a driveway with the primary residence.
- Each of the two residences have their own water well and septic system.

## **Circulation Comments**

AGENCY CIRCULATION	
Western Irrigation District	No Concerns.
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**

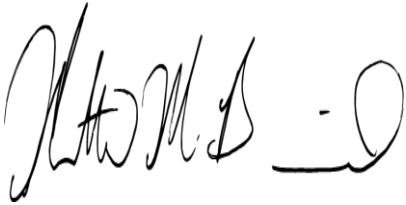
Notify Applicant of the Decision.

## Report Approval Details

Document Title:	DP 2020-016.docx
Attachments:	- Appdendices for Report DP 2020-016.docx
Final Approval Date:	Mar 31, 2020

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

Sherry Baers

A handwritten signature in black ink, appearing to read 'Matthew Boscarol' followed by a stylized flourish.

Matthew Boscarol

A handwritten signature in black ink, appearing to read 'Brian Henderson' in a cursive style.

Brian Henderson