

# Wheatland County

## Request for Decision

### Municipal Planning Commission

April 14, 2020

Report prepared by: Suzanne Hayes



## DP 2020-024

**File Number:** DP 2020-024  
**Proposal:** Dwelling, Accessory  
**Location:** 4.82 km (3 miles) Northwest of Strathmore  
**Legal Description:** Plan 141 2615, Block 2, Lot 3, SE-31-24-25-4  
**Title Area:** 3 Acres  
**Existing Land Use:** Country Residential  
**Proposed Parcels:** N/A

### Report

The applicants are requesting to place a 1428 ft<sup>2</sup> modular dwelling as a second residence on their 1.21 hectare (3 acre) Country Residential (CR) parcel in order to accommodate their aging parents. The parcel has an existing 2368 ft<sup>2</sup> Single Family Dwelling which will become the primary residence on the parcel.

In order to allow for a second residence to be placed on a parcel which is less than 32.37 hectares (80 acres), one of the dwellings must be permitted as a Dwelling, Accessory.

The proposal meets all the requirements of the Land Use Bylaw, no variances have been requested. Because the dwelling is brand new and has not been constructed yet, applicant is to provide serial number and A277 sticker once it becomes available.

### Recommendation from Administration

THAT Municipal Planning Commission approve DP 2020-024 for a Dwelling, Accessory Subject to the following conditions:

1. This Development Permit is issued solely for a modular dwelling to be the second residence on the property – Defined as a Dwelling, Accessory.
2. No Variance has been granted.
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.
5. Applicant to ensure approach is developed to County standards. Please contact Wheatland County transportation & infrastructure assistant for details 403-934-3321.
6. Prior to occupancy of the new modular dwelling, applicant to obtain A & B rural address signs from Wheatland County administration office identifying the existing residence as building A and the new modular dwelling as building B. Signs to be installed by the landowner on/or in close proximity to the respective residences.

7. Prior to occupancy of the new modular dwelling, applicant to supply serial number and photo of A277 sticker to Wheatland County.

### **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 Country Residential District (CR).

### **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.

Permitted	Discretionary
Accessory Building / Structure	Bed and Breakfast
Agricultural Operation <sup>2</sup>	Dwelling, Accessory 
Agricultural Processing - Minor	Dwelling, Temporary
Day Home	Equestrian Centre
Dwelling, Duplex	Farm Gate Sales
Dwelling, Manufactured	Kennel
Dwelling, Modular	Home-Based Business, Type 3
Dwelling, Moved On	Market Garden
Dwelling, Secondary Suite	Nursery
Dwelling, Semi-Detached	Show Home
Dwelling, Single Detached	Signs requiring a Development Permit <sup>4</sup>
Farm Building <sup>2</sup>	Tower
Greenhouse, Private	
Home-Based Business, Type 2	
Shipping Container	
Signs not requiring a Development Permit <sup>1</sup>	
Solar Panel, Ground Mount <sup>1</sup>	
Solar Panel, Structure Mount <sup>1</sup>	
Stripping and Grading <sup>1</sup>	
WECS (micro) <sup>1</sup>	
WECS (Category 1) <sup>1</sup>	

<b>Front Yard Setback</b>	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
<b>Side Yard Setback</b>	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
<b>Rear Yard Setback Requirements</b>	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

## 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;

- 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
- 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 as per Section 6.2.1.

#### b) A Dwelling Accessory:

- Shall meet applicable Safety Codes and will require a Building Permit
- Shall not be located on a property that already has a secondary suite
- Shall have adequate water and sewer either through a shared or individual system
- 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
- May require its own municipal address
- Shall require one additional parking space for the residents
- Shall follow the height and setback regulations in the applicable land use district, except where otherwise noted in this Bylaw.

### 8.7.2 Size:

- 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.*

8.7.3 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:

- 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, accessory meets the MDP objective to offer residents a variety of housing choices and allows the landowner an opportunity to accommodate aging parents.
- The proposal meets all provisions of the LUB.
- The proposed Dwelling, Accessory fits with the context of the area, which is primarily residential and agricultural in nature.
- The proposed dwelling shares the architectural style and color of the primary residence.

#### **Technical Review**

- An internal subdivision road (cul-de-sac) extends from RR 255 providing access for 4 acreages including the subject parcel. The proposed dwelling, accessory will share an existing driveway with the primary residence, which is accessed via the internal subdivision road.
- Each residence will have their own septic tank. The Dwelling, Accessory will share the well with the existing residence but will have its' own pressure tank.

#### **Circulation Comments**

AGENCY CIRCULATION	
Park Enterprises	There are no issues with the installation of the holding tank and setbacks noted would be compliant with the SOP to issue the permit.
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 2020-024.docx
Attachments:	- Appendices for Report DP 2020-024.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