

# Wheatland County

## Request for Decision

Regular Council Meeting

April 21, 2020

Report prepared by: Suzanne Hayes



### DP 2020-018

<b>File Number:</b>	DP 2020-018
<b>Proposal:</b>	Variance Request
<b>Location:</b>	Lakes of Muirfield
<b>Legal Description:</b>	Plan 071 0284, Unit 38
<b>Title Area:</b>	6598 ft <sup>2</sup>
<b>Existing Land Use:</b>	DC-7
<b>Proposed Parcels:</b>	N/A

### Report

The applicants requested a Certificate of Compliance in January 2020 and were advised that the dwelling was non-compliant as per the following:

The deck attached to the existing dwelling is located 1.05 m (3.44 ft) from the side property line, and the Land Use Bylaw stipulates that the setback for a principal building (which includes the deck) to the side yard property line shall be 1.22 m (4.0 ft). The difference being noted is 0.17 m (17 cm).

The front of the dwelling (attached garage) is located 6.06 m (19.88 ft) from the front property line, and the Land Use Bylaw stipulates that the setback for a principal building to the front yard property line shall be 6.10 m (20.0 ft). The difference being noted is 0.4 m (4 cm).

The applicant is requesting a variance to the side and front yard setbacks in order to allow the dwelling to rightfully remain in its' current location.

An inspection was conducted on April 1, 2020 by the County's contract Fire & Building Code Specialist to ensure the variance requests did not pose any issues regarding the fire protection of the building. The conclusion was a recommendation to approve both variances.

Council is the Development Authority for variance requests greater than 10% within Direct Control Districts. The variance request to the side property line is greater than 10%, and the request for a variance to the front property line is less than 10%, however staff are requesting that both decisions be made simultaneously by Council.

### Recommendation from Administration

THAT Council approve DP 2020-018 for two variances subject to the following conditions:

1. This Development Permit is issued solely for the purpose of allowing two variances for the existing dwelling – Defined as Variances to the Dwelling, Single Detached.
2. The variances allow the dwelling to remain in a location which is 1.05 m (3.44 ft) from the side property line, and 6.06 m (19.88 ft) from the front property line.

3. Development shall proceed according to Direct Control District 7 (DC-7) 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**

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

The location of the subject property does not fall within the Calgary Metropolitan Regional Board Plan Area therefore this development is not impacted by the Interim Growth Plan.

### **MUNICIPAL DEVELOPMENT PLAN (MDP):**



The MDP does not focus on ground level details such as setbacks and variances, however 3.6.1 objectives include encouraging residential development in existing hamlets and urban areas.

### **LAND USE BYLAW (LUB):**

## **3.2 Development Authority**

3.2.1 The Development Authority for the County is hereby established in accordance with Section 624 of the Municipal Government Act and consists of the following:

- a) Council with respect to all Development Permit applications for Discretionary Uses within Direct Control Districts and with respect to Development Permit applications for Permitted Uses within Direct Control Districts which involve variance requests in excess of 10% of the relevant numerical value, unless otherwise specified within the Direct Control District;

<b>Minimum Parcel Width</b>	14.0m (46.0ft)
<b>Front Yard Setback</b>	6.10m (20.0ft) principal building and accessory buildings 
	4.57m (15.0ft) principal building and accessory buildings (street side of a corner site)
	4.57m (15.0ft) for side entrance garages where the vehicular garage doors do not front the street
<b>Side Yard Setback</b>	1.22m (4.0ft) principal building and accessory buildings 
	3.05m (10.0ft) principal building and accessory buildings (street side of a corner site)
<b>Rear Yard Setback</b>	6.10m (20.0ft) principal building
	3.05m (10.0ft) accessory buildings
<b>Minimum Yard Setback between Buildings / Structures</b>	1.52 m (5.0 ft)
<b>Maximum Height Requirements</b>	10.0m (32.8ft) principal building
	5.03m (16.5ft) accessory buildings
<b>Maximum Site Coverage</b>	50%

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 Fire and Building Codes Inspector did not consider the variance to the side yard setback to be a risk as far as fire spread.
- The driveway still allows adequate room to park vehicles without extending beyond property boundaries.
- No concerns were raised by neighbors circulated for this application.

### **Technical Review**

N/A

### **Circulation Comments**

AGENCY CIRCULATION	
Fire and Building Codes Inspector	<p>Side Yard: The balcony (deck) is not classified as a wall under the Alberta building Code, although it is an extension of the dwelling. The deck extends beyond the dwelling and the neighboring dwelling ends even with the back wall of the residence. The lower portion of the deck post is non-combustible rock work and is more than 4.0 m from the neighboring residence.</p> <p>Front Yard: Recommend approval of the variance to the front yard setback as the stone face of the garage comes out at least 20 cm from the garage door.</p>
INTERNAL CIRCULATION	
Internal File Review	No Concerns.
NEIGHBOUR CIRCULATION	
To adjacent neighbors + 1	No Comments Received at the time of this report.

### **Response Options**

Option 1: THAT Council accepts/approves the recommendation as proposed.

Option 2: THAT Council does not accept/approve the recommendation as proposed.

Option 3: THAT Council accepts/approves an alternate recommendation of Council's choosing.

### **Follow-up Action / Communications**

Advise applicant of decision.

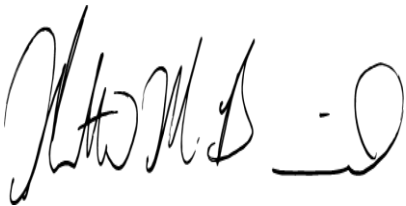
## Report Approval Details

Document Title:	DP 2020-018.docx
Attachments:	- Appendices DP 2020-018.docx
Final Approval Date:	Apr 14, 2020

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

A handwritten signature in black ink, appearing to read "Sherry Baers". The script is fluid and cursive.

Sherry Baers

A handwritten signature in black ink, appearing to read "Matthew Boscarol". The script is fluid and cursive.

Matthew Boscarol

A handwritten signature in black ink, appearing to read "Brian Henderson". The script is fluid and cursive.

Brian Henderson