

Wheatland County

Request for Decision

Municipal Planning Commission

June 9, 2020

Report prepared by: Suzanne Hayes



DP 2020-041

File Number: DP 2020-041
Proposal: Addition to Dwelling, Variance
Location: 6.4 km (4 miles) Northeast of Dalum, Adjacent to Hwy 569
Legal Description: Plan 901 2480, Block 1, NW-13-27-19-4
Title Area: 40.0 Acres
Existing Land Use: Agricultural General
Proposed Parcels: n/a

Division: 7

Report

The applicants are requesting to construct a 264 ft² entry way as an addition to an existing single family dwelling constructed in 1940. The addition is proposed to be located 18.9 m (62.0 ft) from an undeveloped road allowance adjacent to Hwy 569 and the required setback is 22.86 m (75.0 ft) from the right of way of a public road. The 80 year old dwelling is a non-conforming building and the proposed addition will not be the closest point of the dwelling to the undeveloped road allowance.

The adjacent undeveloped road allowance will not be developed in the future due to the topography of the area and its proximity to Highway 569. Alberta Transportation has issued a Roadside Development permit for the proposed addition and the applicants are now seeking Wheatland County approval.

A variance request and a request to alter a non-conforming building may be approved if the Development Authority determines that it does not interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

Recommendation from Administration

THAT Municipal Planning Commission approve DP 2020-041 for an addition and a variance subject to the following conditions:

1. This Development Permit is issued solely for the purpose of an Addition to an Existing Non-Conforming Dwelling with a Variance – Defined as an Addition with a Variance.
2. The variance has been granted allowing the addition to be constructed 18.9 m (62.0 ft) from the undeveloped road allowance adjacent to Highway 569.
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

CALGARY METROPOLITAN REGIONAL BOARD (CMRB): The application falls outside of the plan area.

MUNICIPAL DEVELOPMENT PLAN (MDP): The MDP does not address details regarding variances or non-conforming uses.

LAND USE BYLAW:

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 dwelling has existed on the property since 1940 and portions of the building are closer to the undeveloped road allowance than the proposed addition will be.
- The proposal meets the criteria listed in LUB section 4.3 regarding variances and non-conforming buildings.
- The undeveloped road allowance will likely not be developed due to the hilly topography and close proximity to Hwy 569.

Technical Review

The existing dwelling is accessed via an existing approach off Highway 569.

Circulation Comments

AGENCY CIRCULATION	
Alberta Transportation	A Roadside Development Permit has been issued.
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.

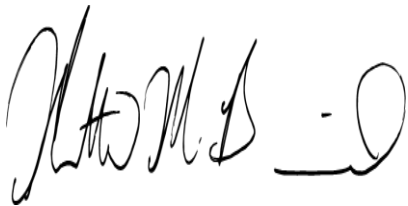
Report Approval Details

Document Title:	DP 2020-041.docx
Attachments:	- Appendices for Report DP 2020-041.docx
Final Approval Date:	May 29, 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 cursive and fluid.

Sherry Baers

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

Matthew Boscarol