

## **PLANNING AND DEVELOPMENT SERVICES**

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**TO:** Municipal Planning Commission  
Development Authority  
**DIVISION:** 1

**DATE:** April 28, 2021  
**APPLICATION:** PRDP20210901

**FILE:** 05828008

**SUBJECT:** Dwelling, Tiny / Discretionary use, with Variances

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**APPLICATION:** The proposal is for a Dwelling, Tiny (existing) and relaxation to the permitted number of dwelling units

**GENERAL LOCATION:** Located approximately 1.21 km (3/4 mile) east of Hwy. 22 and on the south side of Towers Trail.

**LAND USE DESIGNATION:** Agriculture Small District (A-SML)

**EXECUTIVE SUMMARY:** This application is for an existing Dwelling, Tiny. This application coincides with a second application for the subject dwelling to be used for a vacation rental. Both applications would bring the structure and use into compliance.

The site is currently developed with a dwelling, single detached and includes a conditional-approved of Development Permit PRDP20210917, for a permitted use Accessory Dwelling Unit. Therefore, a relaxation to the maximum density of two dwelling units is required for this application.

**ADMINISTRATION RECOMMENDATION:** Administration recommends approval in accordance with Option #1.

### **OPTIONS:**

Option #1: THAT Development Permit Application PRDP20210901 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Development Permit Application PRDP20210901 be refused for the following reasons:

1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

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### **Administration Resources**

Camilo Conde, Planning and Development Services

**AIR PHOTO & DEVELOPMENT CONTEXT:****VARIANCE SUMMARY:**

Variance	Requirement	Proposed	Percentage (%)
311 (a) Maximum Density	2 Dwelling Units, 1 single detached and one other dwelling unit	3	50.00%

**APPLICATION EVALUATION:**

The application was evaluated based on the site plan submitted with the application and the Land Use Bylaw C-8000-2020, and the Cochrane Intermunicipal Development Plan.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Land Use Bylaw C-8000-2020; and</li> <li>• Cochrane Intermunicipal Development Plan</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• Real Property Report</li> <li>• Site Plan</li> </ul>
<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• Dwelling, Tiny</li> </ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission (MPC)</li> </ul>



### Additional Review Considerations

Land Use Bylaw C-8000-2020 was consulted for this application as the application is to bring the property into compliance with current zoning and setback regulations.

The Dwelling, Tiny is serviced via well water and a compostable toilet for septic. The toilet turns the waste generated into manure to be added to the existing manure pile of the livestock on parcel.

The application was assessed in accordance with Table 2 (s) & (v) and Sections 308 to 314 of the LUB.

Dwelling, Tiny as defined in Land Use Bylaw C-8000-2020 is as follows:

*“Dwelling, Tiny” means a detached Dwelling Unit less than 37.1 m<sup>2</sup> (399.34 ft<sup>2</sup>) in GFA.*

This dwelling unit is 28.61 m<sup>2</sup> (308.00 ft<sup>2</sup>) in gross floor area. The dwelling unit is 3.35 m (11.00 ft.) in height and is placed on screw piles. The unit complies with all setback requirements, and no other variance other than maximum dwelling unit density is needed.

### **CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for APPROVAL.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

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Acting Executive Director  
Community Development Services

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Acting Chief Administrative Officer

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### **ATTACHMENTS:**

ATTACHMENT ‘A’: Development Permit Report Conditions

ATTACHMENT ‘B’: Maps and Other Information



## ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS:

### Option 1:

APPROVAL, subject to the following conditions:

#### **Description:**

1. That the existing *Dwelling, Tiny*, approximately 28.61 m<sup>2</sup> (308.00 ft<sup>2</sup>) may remain on the subject property in accordance with the approved site plan, floor plans and the conditions of this permit.
  - i. That the maximum density of dwelling units is relaxed from **two (2) to three (3) units**.

#### **Prior to Issuance:**

2. That prior to release of this permit, the Applicant/Owner shall confirm acceptance of or refusal to participate in the Voluntary Recreation Contribution for Community Recreation Funding on the form provided by the County and that the contribution, if accepted, is \$800.00, calculated at \$800.00 for each new residential unit.

#### **Permanent:**

3. That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for each dwelling unit located on the subject site, to facilitate accurate emergency response.

*Note: The addressing for this Dwelling, Tiny is 254069 Towers Trail*

4. That no topsoil shall be removed from the site. All topsoil shall be retained on-site. Any undeveloped graded area shall be seeded after building construction is complete, as part of site restoration.
5. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
6. That there shall be no more than 2.00 m (6.56 ft.) of excavation or 1.00 m (3.28 ft.) of fill adjacent to or within 15.00 m (49.21 ft.) of the proposed dwelling under construction, unless a separate Development Permit has been issued for additional fill.
7. That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application or in response to a Prior to Release condition, shall be implemented and adhered to in perpetuity.

#### **Advisory:**

8. That the Dwelling, Tiny shall not be used for *commercial* or *vacation rental* purposes at any time, unless approved by a Development Permit.
9. That the subject lands shall be maintained in a clean and tidy fashion at all times, and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.
10. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
11. That the site shall remain free of restricted and noxious weeds and be maintained in accordance with the *Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1; Current as of December 15, 2017]*.



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12. That a Building Permit and sub-trade permits shall be obtained from Building Services, prior to any construction taking place, using the Single Family Dwelling checklist.
13. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owners.
14. That if the development authorized by this Development Permit is not commenced with reasonable diligence within twelve (12) months from the date of issue, and completed within twenty-four (24) months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
15. That if the Development Permit is not issued by **September 30, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.



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## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<b>APPLICANT:</b> Grant Chapman/ Jenna Lyn Latham	<b>OWNER:</b> Grant Chapman/ Jenna Lyn Latham
<b>DATE APPLICATION RECEIVED:</b> February 28, 2021	<b>DATE DEEMED COMPLETE:</b> March 12, 2021
<b>GROSS AREA:</b> ± 24.24 hectares (± 59.90 acres)	<b>LEGAL DESCRIPTION:</b> SE-28-25-04-W05M
<b>APPEAL BOARD:</b> Municipal Government Board	
<p>Planning Applications</p> <ul style="list-style-type: none"> <li>• There are no Planning related applications on file for this parcel</li> </ul> <p>Development Permits</p> <ul style="list-style-type: none"> <li>• PRDP20210760 Vacation Rental (on same MPC date)</li> <li>• PRDP20210917 Accessory Dwelling Unit; Conditionally-Approved April 20, 2021 by Administration</li> <li>• PRDP20210918 Vacation Rental (on same MPC date)</li> </ul> <p>Building Permits</p> <ul style="list-style-type: none"> <li>• PRBD20193728 As built garage (In compliance)</li> <li>• PRBD20193741 3 Farm Building Location Permits (Closed-Complete)</li> </ul>	

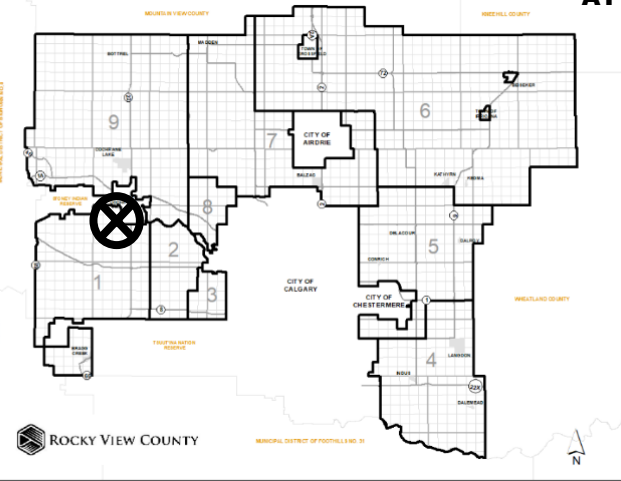




## Location & Context

### Development Proposal

Dwelling, Tiny (existing)  
and relaxation to the  
permitted number of  
dwelling units



Division: 01  
 Roll: 05828008  
 File:  
 PRDP20210760/0901/1918  
 Printed: March 31, 2021  
 Legal: Lot:2 Block:1  
 Plan:1811055 within SE-28-  
 25-04-W05M

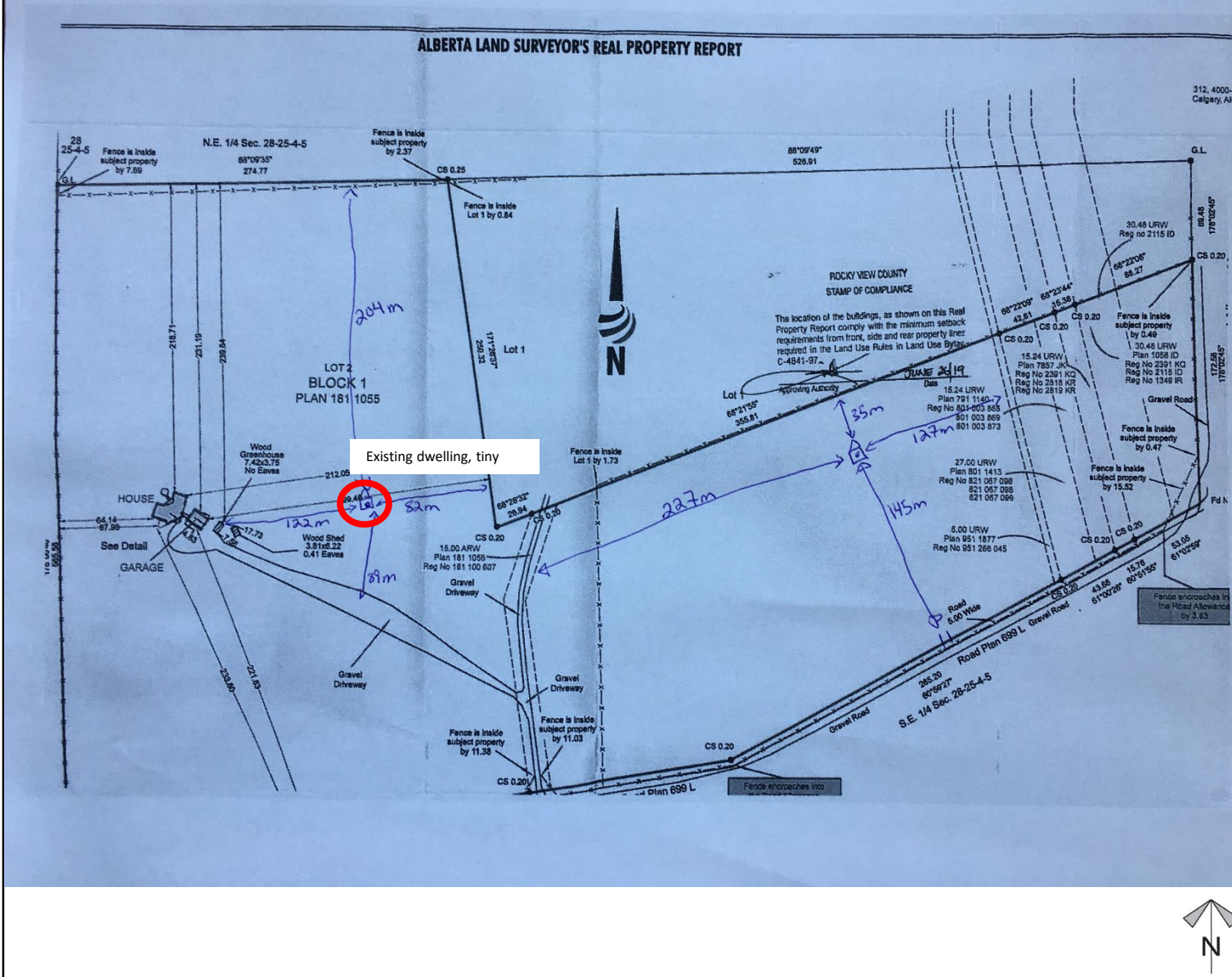


## Site Plan

## Development Proposal

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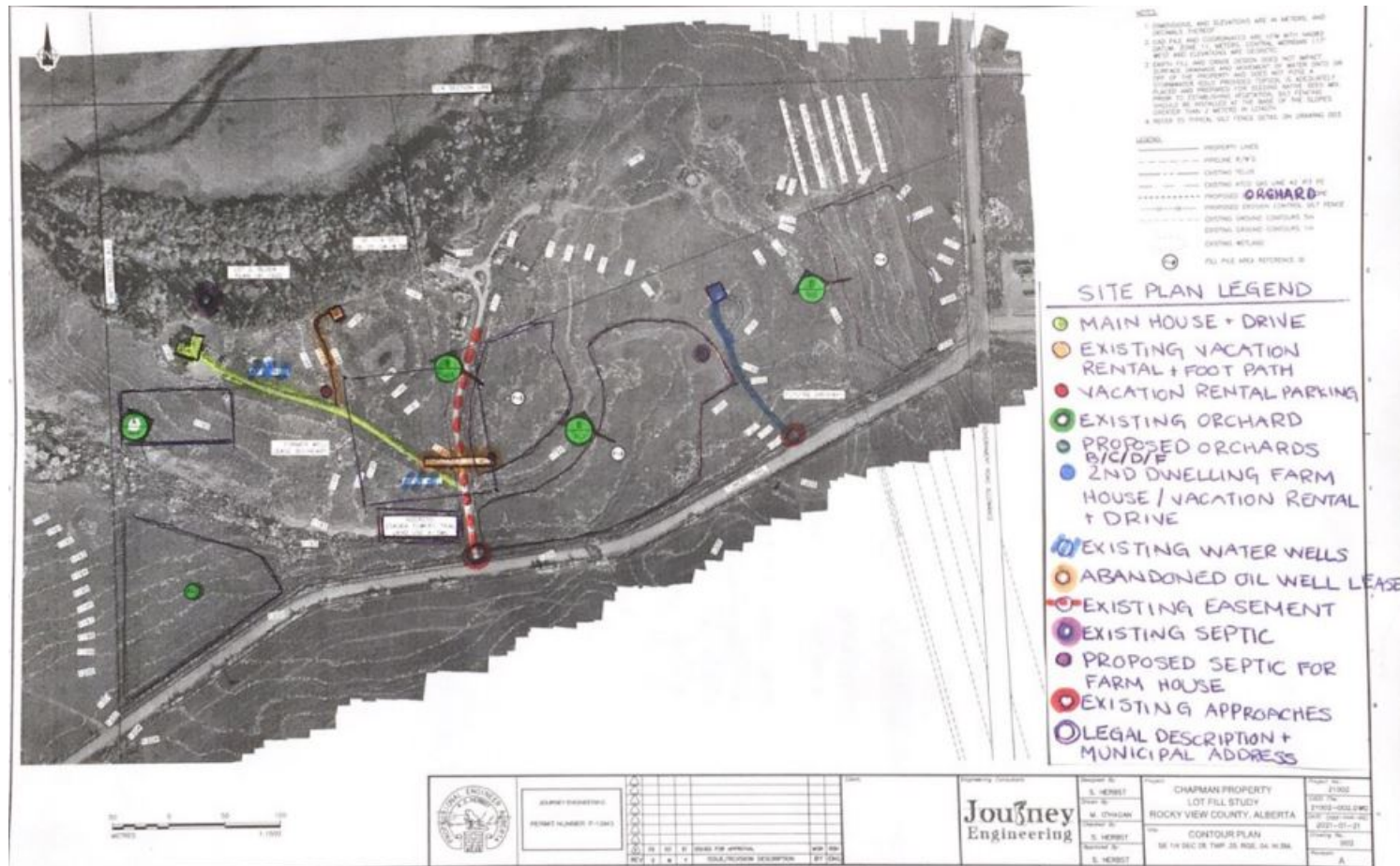




## Site Plan

## Development Proposal

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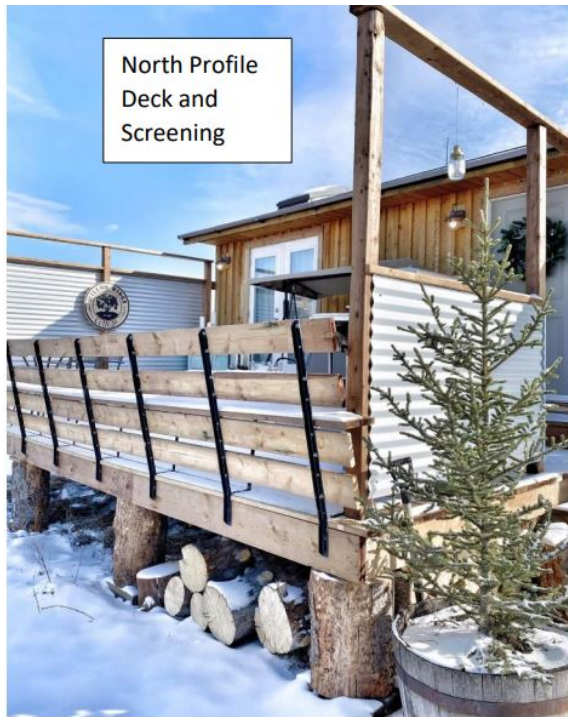


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## Site Photos

### Development Proposal

Dwelling, Tiny (existing) and relaxation to the permitted number of dwelling units



North Profile  
Deck and  
Screening



Skating, Wetland. South  
and East Sides of Studio



West and North Sides

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