

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission

DIVISION: 8

SUBJECT: Development Item: Accessory Dwelling Unit

USE: Discretionary Use, with no Variances

APPLICATION: Dwelling, single detached (existing), construction of an addition including an accessory dwelling unit.

GENERAL LOCATION: located approximately 0.50 km (1/3 mile) south of Twp. Rd. 254 and on the west side of Hwy 1.

LAND USE DESIGNATION: Residential, Country Residential District (R-CRD) under Land Use Bylaw C-8000-2020

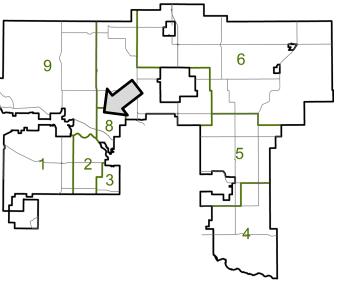
ADMINISTRATION RECOMMENDATION: Administration recommends Approval in accordance with Option #1.

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20203462 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20203462 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:





DATE: December 10, 2020

APPLICATION: PRDP20203462



DEVELOPMENT PERMIT REPORT

Application Date: October 22, 2020	File: 05619060
Application: PRDP20203462	Applicant/Owner: Nguyen, Andrew & Erin
Legal Description: Lot 2, Block 9, Plan 9912049, NW-19-25-02-05	General Location: located approximately 0.50 km (1/3 mile) south of Twp. Rd. 254 and on the west side of Hwy 1.
Land Use Designation: Residential, Country Residential District (R-CRD) and Land Use Bylaw C-8000-2020	Gross Area: ± 0.82 hectares (± 2.04 acres)
File Manager: Bronwyn Culham	Division: 8

PROPOSAL:

The proposal is for a dwelling, single detached (existing), construction of an addition including an accessory dwelling unit (ADU). The ADU will be constructed on top of the existing attached garage within the principal dwelling. The total floor area of the ADU is approximately 80.26 sq. m (864.00 sq. ft.). The existing rear entrance of the house would be relocated for more accessibility to the proposed ADU. The garage would be extended and an extension would be constructed between the house and garage to connect both spaces.

The ADU would be serviced through an existing connection from the communal pipe system from Blazer Water Systems Ltd, and the onsite private sewage treatment system.

Property History:

Development Permit History:

- PRDP20190508 Accessory building (existing), relaxation of total number of accessory building; Closed-Approved April 24, 2019
- 2002-DP-10108 Dwelling and accessory building (garage), moved-in, and relaxation of the maximum building area (garage); Closed-Complete December 12, 2002

Building Permit History:

- 2003-BP-16141 Single family dwelling; occupancy granted Jan 20, 2003
- 2003-BP-16143 Accessory Building (garage); Open Application Jan 20, 2003
- PRBD20203633 Residential Renovation; Waiting for Applicant Information

Land Use Bylaw Requirements:

Section 8 Definitions

ACCESSORY DWELLING UNIT (ADU) means a subordinate Dwelling Unit that may be located within a principal building or an accessory building. An Accessory Dwelling Unit that is external to the principal building shall be on a permanent foundation and has a minimum gross floor area (GFA) of 37.1 m2 (399.34 ft2).



DWELLING or DWELLING UNIT means a building or portion of a building consisting of one or more rooms operated or intended to be operated as a permanent residence for a household, containing cooking, sleeping and sanitary facilities only for that unit. All Dwellings or Dwelling Units shall have a permanent foundation.

Accessory Dwelling Unit

Section 122 Accessory Dwelling Unit General Requirements:

- a) Where an Accessory Dwelling Unit is not located within another Dwelling Unit, it shall be considered part of the total building area of an accessory building,
 - The proposed ADU is located within the principal dwelling unit
- b) Accessory Dwelling Units shall:
 - *i.* Be constructed on a permanent foundation,
 - The proposed ADU is located within the existing dwelling (garage), which is on a permanent foundation.
 - *ii.* Comply with the regulations in the applicable District,
 - The proposed ADU complies with the regulations in the R-CRD District.
 - iii. Not exceed a gross floor area of 150 sq. m (1614.59 sq. ft.),
 - The gross floor area of the ADU is 80.26 sq. m (864.00 sq. ft.).
 - iv. Include sleeping, sanitary, and cooking facilities,
 - As per the floor plans provided with the application, the ADU contains a kitchen, bedroom, washroom, laundry, sitting room, and two reading rooms.
 - v. Provide a minimum of one dedicated on-site parking stall, and
 - There is one parking spot available for the ADU within the existing garage.
 - vi. Have a distinct County address to facilitate accurate emergency response;
 - The municipal address for the ADU is A 78 CAMPBELL DRIVE.

Section 123 Accessory Dwelling Unit Site Requirements:

- a) A parcel shall be limited to one Accessory Dwelling Unit, unless otherwise stated in a given District.
 - The property contains one proposed ADU

Section 124 Accessory Dwelling Unit Site Requirements:

- a) A Development Permit application will respond to Section 122 and 123 and further set out:
 - i. The architectural character of the Accessory Dwelling Unit,
 - The applicant has indicated that the exterior dwelling is being renovated and that the exterior features of the ADU will be in keeping with the style of the renovations on the dwelling



- ii. The location and setbacks of the Accessory Dwelling Unit,
 - Front Yard
 - **Permitted:** 15.00 m (49.21 ft.)
 - **Proposed**: 96.81 m (317.61 ft.)
 - Side Yard
 - o Permitted: 3.00 m (9.84 ft.)
 - o Proposed: 6.03 m (19.78 ft.) / 19.14 m (62.79 ft.)
 - Rear Yard
 - **Permitted:** 6.00 m (19.69 ft.)
 - **Proposed:** 15.04 m (49.34 ft.)
- iii. Amenity space for the Accessory Dwelling Unit, and
 - The ADU shares access to all land and amenity space on the property
- *iv.* Any landscaping or screening.
 - The ADU will be part of the principal dwelling with the construction of an additional storey. No landscaping was indicated as part of the application.

Residential, Country Residential District (R-CRD)

Section 325 Discretionary Uses

Accessory Dwelling Unit

- Section 327 Maximum Density is 2 Dwelling Units per parcel (1 Dwelling, Single detached and 1 other Dwelling Unit)
 - The property contains one dwelling, single detached plus the proposed ADU

Section 329 Maximum Dwelling Height

- Permitted: 12.00 m (30.37 ft.)
- **Proposed:** ~9.44 m (31.00 ft.)

STATUTORY PLANS:

The subject property is located within the City of Calgary / Rocky View County Intermunicipal Development Plan (IDP). The application was circulated in accordance with the policies in the IDP; however, the City did not provide any comments.

INSPECTOR'S COMMENTS:

Inspection: November 24, 2020

- Construction on dwelling has begun, no construction on Accessory Dwelling Unit
- Some screening via shrubs
- Ample parking in garage
- Access to amenity space



CIRCULATIONS:

Alberta Transportation

• Regarding application for the following municipal approval: Addition (ADU) to existing home

Referral/File Number	Description	Location
RSDP033136-1	DEVELOPMENT REFERRAL – PRDP20203462	Highway 1A
	Dwelling, single detached (existing), construction	NW-19-25-02-05
	of an addition including an accessory dwelling unit	Lot 2 Block 9 Plan 9912049,

- In reviewing the application, the proposed development falls within the control distance of a provincial highway as outline in the Highways Development and Protection Act/ Regulation. The proposed development, however, will not cause any concern for ongoing highway operation or future highway expansion.
- Pursuant to Section 25(3)(c) of the *Highways Development and Protection Regulation*, Alberta Transportation issues an exemption from the permit requirements to Andrew and Erin Nguyen for the development listed above.

City of Calgary

• No comments received.

Building Services Review

- Advisory Condition The tapered tread in the new stairs for the ADU must match the run dimension for the other treads in the flight.
- Advisory Condition Furnace and water heater for ADU must be located in an insulated space
- Advisory Condition Mechanical room for ADU walls must be drywalled.
- Advisory Condition doorway between main house and foyer requires a self-closing door
- Advisory Condition Reading room must be separated from the stairs
- Advisory Condition Foyer cannot be ducted by the ADU mechanical room nor the main house mechanical room
- Advisory Condition Foyer must be heated with a separate heating system like electric baseboard heat.
- Advisory Condition If the garage is to be shared then a wall must be installed to separate the two sides.

Development Compliance Officer Review

• Development Compliance has no comments or concerns related to the attached application.

Planning and Development - Engineering Services Review

• No requirements at this time.

OPTIONS:

Option #1: (this would allow the proposed development)

APPROVAL, subject to the following conditions:



Description:

1) That an addition including an Accessory Dwelling Unit, approximately (80.26 sq. m (864.00 sq. ft.) in gross floor area, may be constructed on the subject parcel, in general accordance with the submitted application and design drawings, dated October 23, 2020, titled *Extension of Residence* and Site Survey, as prepared by Global Raymac Surveys, dated August 20, 2020; File 20CR0850.

Prior to Issuance:

2) That prior to issuance of this permit the Applicant 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, calculated at \$800.00 for each new residential unit.

Permanent:

- 3) That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application, in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity.
- 4) That there shall be a minimum of one (1) parking stall maintained on-site at all times dedicated to the Accessory Dwelling Unit.
- 5) That the Accessory Dwelling Unit shall be subordinate to the dwelling, single detached.
- 6) That there shall be a distinct municipal address created for each dwelling unit (the dwelling, single detached and the ADU located on the subject site, to facilitate accurate emergency response. *Note, the municipal address for the* Accessory Dwelling Unit *is A* 78 *CAMPBELL DRIVE.*
- 7) That there shall be adequate water servicing provided for the Accessory Dwelling Unit and it is the Applicant/Owner's responsibility to provide water quantity in accordance with the recommendations found in Module 2 of the document "Water Wells That Last for Generations" published by Agriculture and Agri-Food Canada, Alberta Environment, Alberta Agriculture and Food.
- 8) That there shall be adequate sanitary sewer servicing provided for the Accessory Dwelling Unit.

Advisory:

- 9) That the site shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
- 10) 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].*
- 11) That during construction, all construction and building materials shall be maintained onsite, in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- 12) That a Building Permit and applicable sub trades for the addition and for the Accessory Dwelling Unit shall be obtained through Building Services prior to any construction taking place.
- 13) That water conservation measures shall be implemented in the Accessory Dwelling Unit, such as low-flow toilets, shower heads and other water conserving devices.
- 14) That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months



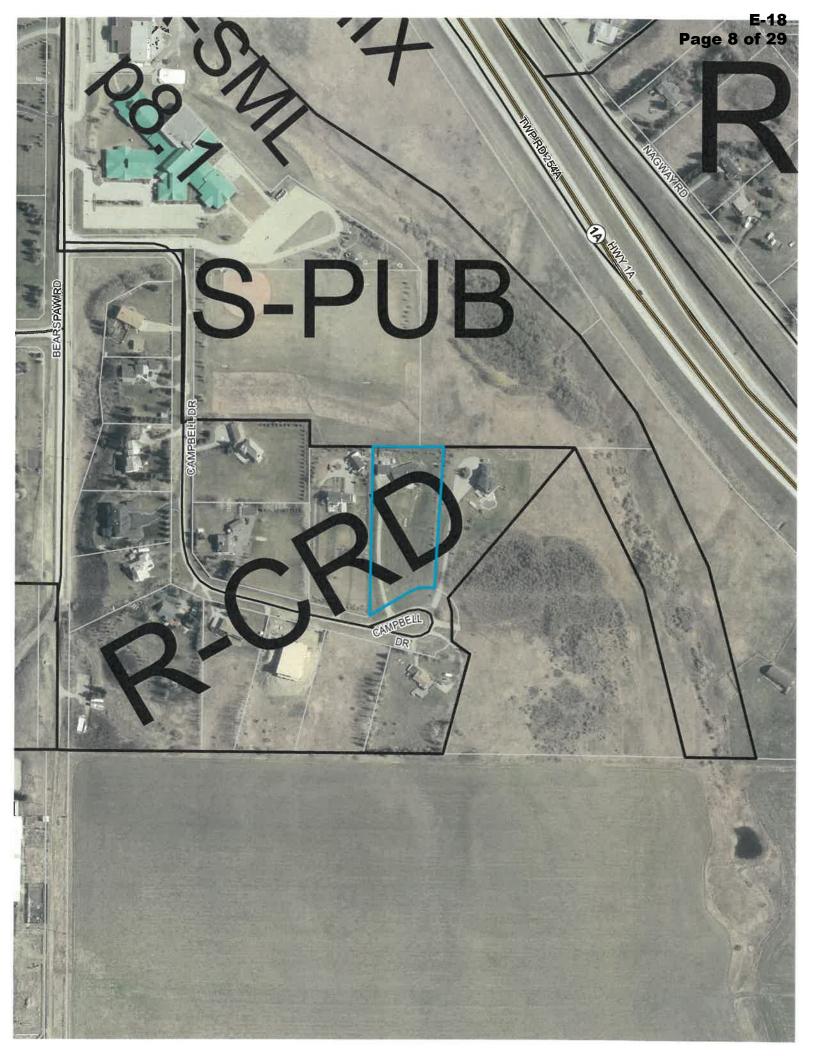
of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.

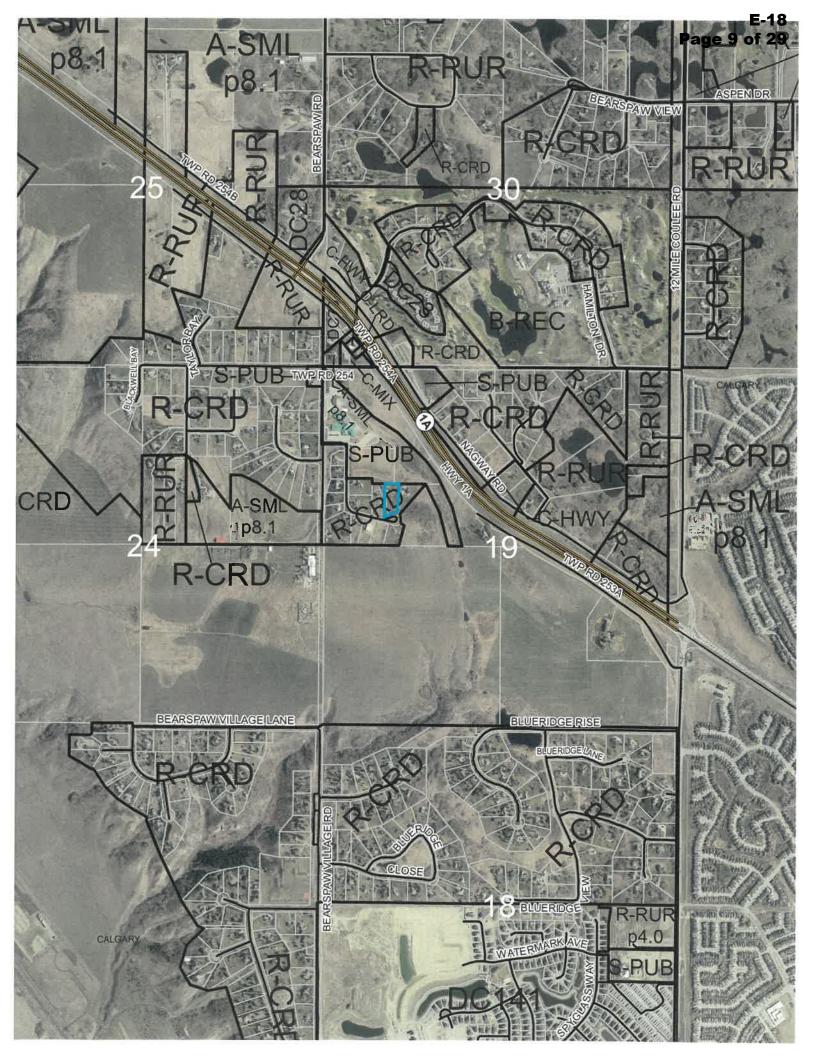
- 15) That any other government permits, approvals, or compliances are the sole responsibility of the Owner/Applicant.
- 16) That if this Development Permit is not issued by **June 30, 2021**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Option #2: (this would not allow the development to proceed)

REFUSAL, 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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			FOR OFFICE USE ONLY			
ROCKY VIEW CO	UNTY		APPLICATION NO.	2020346	2	
			ROLL NO.	05619060		
DEVELOPMENT PERMIT			RENEWAL OF			
			FEES PAID	555		
APPLICATION			DATE OF RECEIPT	10/22/2020		
APPLICANT/OWNER						
Applicant Name: Andrew N		Nguyen			_	
Business/Organization Name (if appl	icable):	5		N .		
Landowner Name(s) per title (if not th	ne Applicant):					
Business/Organization Name (if appl	icable):					
Mailing Address:	ailing Address:			Postal Code:		
Telephone (Primary): Email:						
LEGAL LAND DESCRIPTION - Sub	ject site			The second second		
All/part of: NW1/2 Section: 19	Township: 25	Range: Q	West of: 5	Meridian Division:		
All parts of Lot(s)/Unit(s):	Block: 9	Plan: 9915	249	Parcel Size (ac/ha):	2.04	
Municipal Address: 78 Cam	pbell Drive	e	Land Use Dist	rict: R-CRD		
APPLICATION FOR - List use and s	cope of work				14	
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Development Permit Application - Updated August 2020



ACCES INFORMATIO

	ACCESSORY DWELLING UNIT (ADU)			R OFFICE USE ONLY
				00619060
NFORMATION SHEET			DISTRICT	
ETAILS/DESCRIPTON			BUILDING TY	PE/LOCATION
Gross floor area of ADU	Slet	(m² (ft.2)		OR New Building
leight of building (if applicable)	25'4"	(m (ft.))	Located within	
ge of building (if existing)	neus		Principal [
Contains sleeping, cooking, and contains facilities?	VES, shown or	plan 🗆 NO	Accessory Building Manufactured Home	
Number of bedrooms	1		 Tiny Hom Other (spin) 	
Number of parking spaces allotted	1			
Describe how the ADU minimizes im building, screening/landscaping elem mother and will dwelling from H	nents etc.): $1+15$	part	location of AD of our is just	U on parcel, design of home, for our our principal
NOTE: Submission to include pho Development Permit Checklist for	otographs of the exi r requirements.	sting principa	nl dwelling/bui	lding (all sides). Refer to
	the Custom (Drouidal	etter of Confir	mation from su	stem operator) coine through
WATER SOURCE	ater System (Flovide)	Letter of Count	mation	, , , , , , , , , , , , , , , , , , , ,
Connection to Communal Wa Share Existing Groundwater	Well			house
Connection to Communal Wa	Well wells is to be shown on		undwater Interfe	

Expansion of Existing Private Sewage Treatment System (show location on Site Plan)

Construction of New Private Sewage Treatment System (show location on Site Plan)

Applicant Signature

N

Date OCT 26 2020

Accessory Dwelling Unit (ADU) - Information Sheet

Page 1 of 1

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October 22, 2020

Attn: Rocky View County

File #:

RE: **78 Campbell Drive, Bearspaw, Alberta T3L 2P5** Lot 2, Block 9, Plan 991 2049 within NW 1/4 Sec 19 TWP 25 RGE 2 W5W

Owners: Andrew and Erin Nguyen

Introduction:

We are requesting permission for an accessory dwelling unit (ADU) on our existing residential property in a proposed newly built second floor over the garage. The intended use of the ADU is a 'mother-in-law' suite, for my mother who currently resides in the home.

Scope of work:

-Construct additional floor above existing garage space.

-Extend existing garage.

-Relocate existing entrance at the rear to the side of the house for more accessibility.

-Construct an extension between existing house and garage to connect both spaces.

OUT OF ALBORT

LAND TITLE CERTIFICATE

S LINC SHORT LEGAL TITLE NUMBER 0027 999 440 9912049;9;2 181 246 374 LEGAL DESCRIPTION PLAN 9912049 BLOCK 9 LOT 2 EXCEPTING THEREOUT ALL MINES AND MINERALS AREA: 0.825 HECTARES (2.04 ACRES) MORE OR LESS ESTATE: FEE SIMPLE ATS REFERENCE: 5;2;25;19;NW MUNICIPALITY: ROCKY VIEW COUNTY REFERENCE NUMBER: 041 160 405 REGISTERED OWNER(S) REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION 181 246 374 15/11/2018 TRANSFER OF LAND \$820,000 \$820,000 OWNERS ANDREW MINH NGUYEN AND ERIN MADELINE NGUYEN BOTH OF: ENCUMBRANCES, LIENS & INTERESTS REGISTRATION

981 083 830 23/03/1998 UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.

PARTICULARS

NUMBER DATE (D/M/Y)

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS PAGE 2 # 181 246 374 REGISTRATION DATE (D/M/Y) PARTICULARS NUMBER ______ 991 191 499 07/07/1999 UTILITY RIGHT OF WAY GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. AS TO PORTION OR PLAN: 9912050 021 207 012 14/06/2002 RESTRICTIVE COVENANT 181 246 375 15/11/2018 MORTGAGE MORTGAGEE - THE TORONTO DOMINION BANK. 500 EDMONTON CITY CENTRE EAST EDMONTON ALBERTA T5J5E8 ORIGINAL PRINCIPAL AMOUNT: \$820,000

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 26 DAY OF OCTOBER, 2020 AT 02:54 P.M.

ORDER NUMBER: 40386462

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

E-18 Inspection Photos Page 15 of 29 Date: November 24, 2020

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1570M BUILDERS



E-18 Inspection Photos Page 17 of 29 Date: November 24, 2020

E-18 Inspection Photos Page 18 of 29 Date: November 24, 2020

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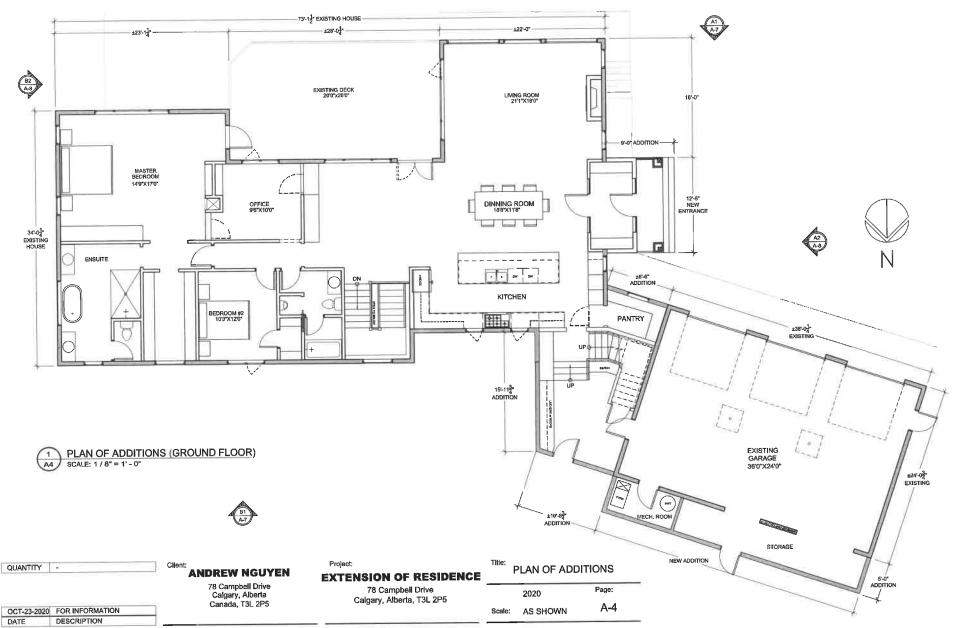
(587) 437-1527

E-18 Inspection Photos Page 19 of 29 Date: November 24, 2020

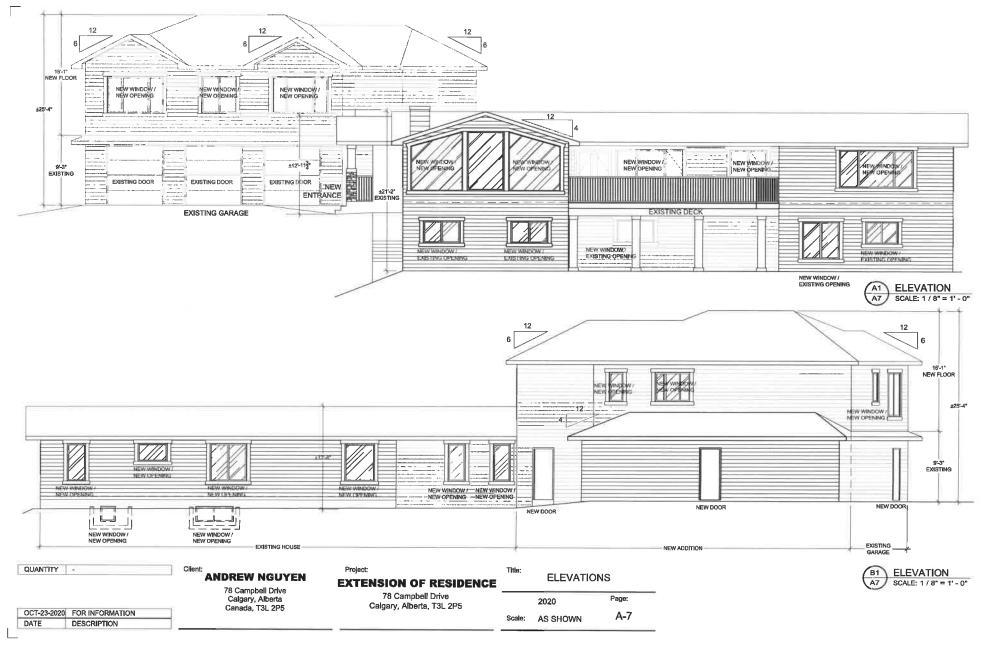


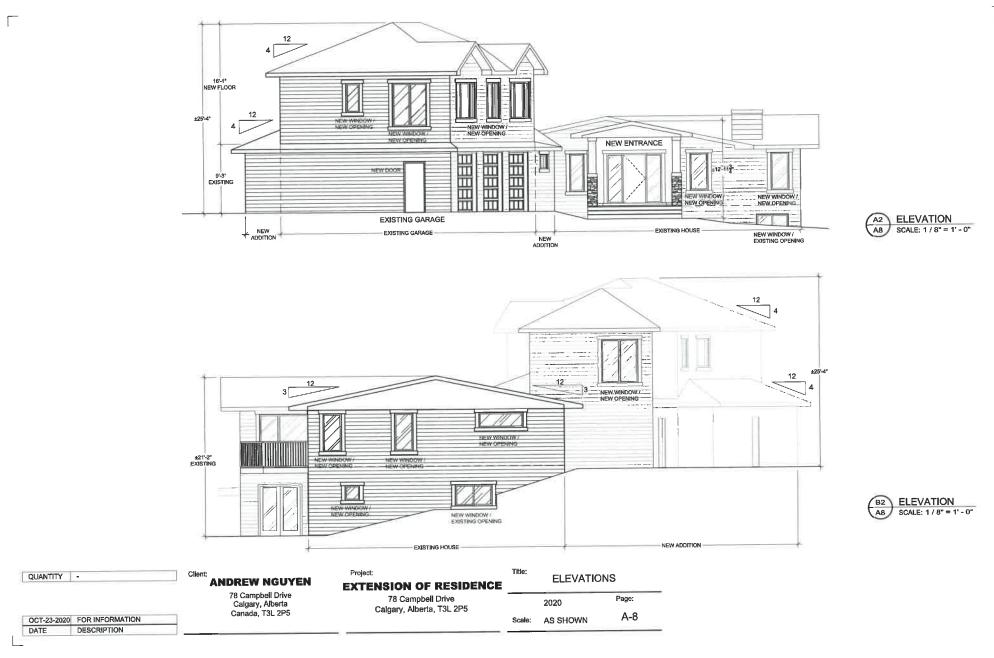
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E-18 Page 21 of 29

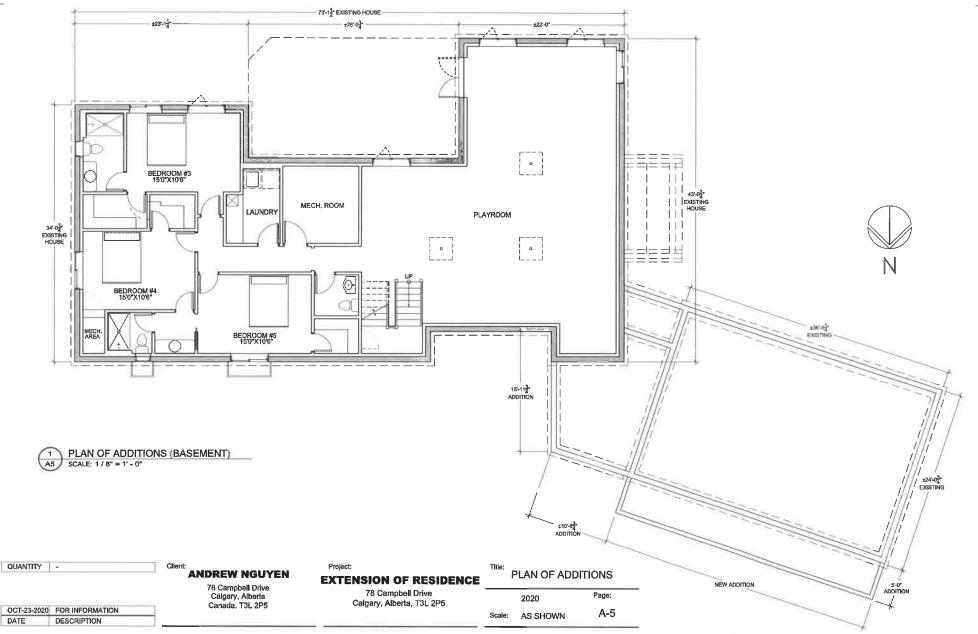


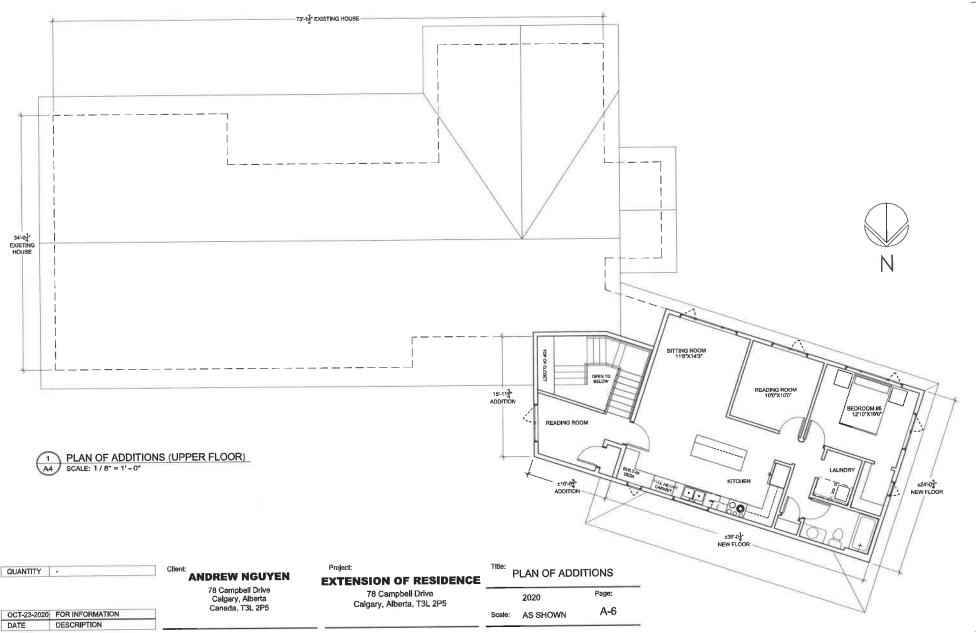
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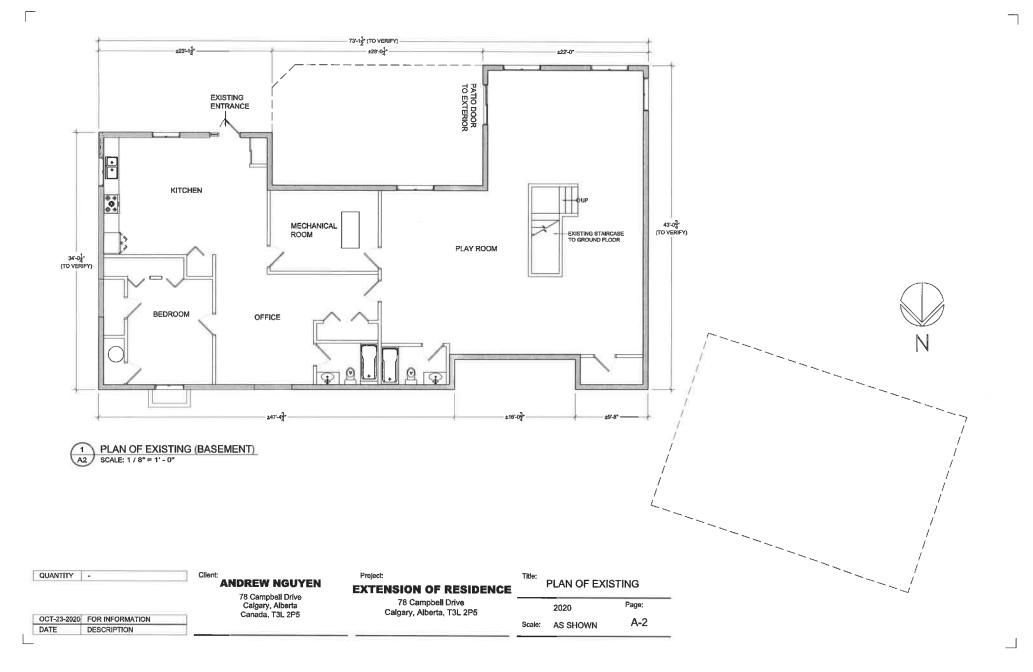


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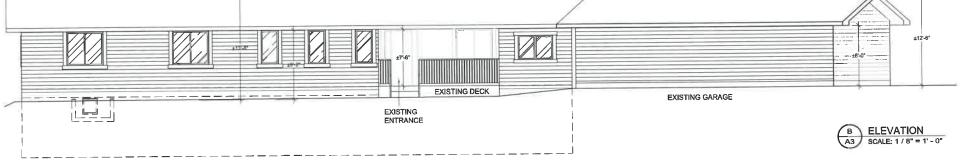




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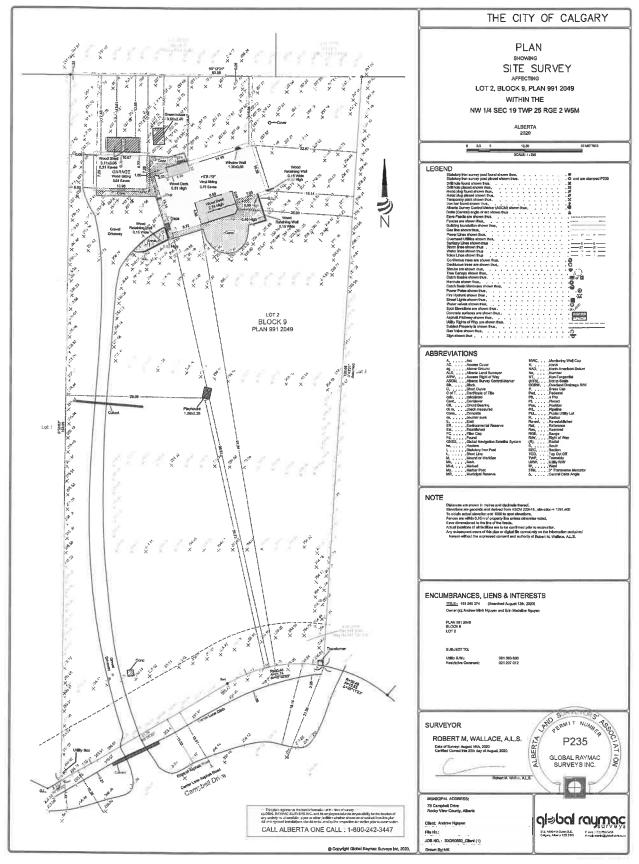




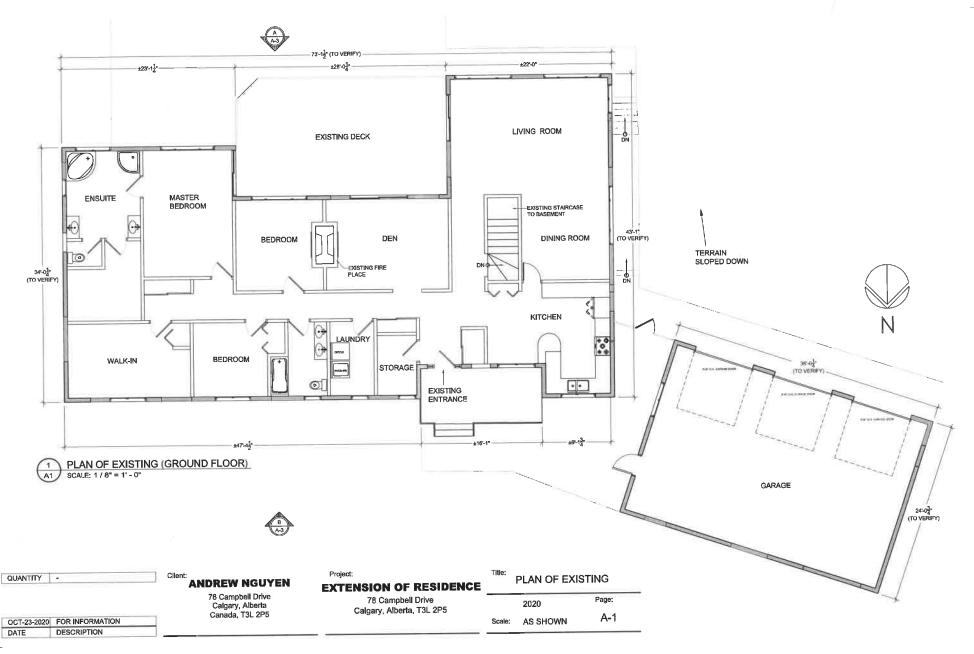


QUANTITY	Υ -	Client: ANDREW NGUYEN	Project: EXTENSION OF RESIDENCE	ELEVATIONS OF EXISTING		
		78 Campbell Drive Calgary, Alberta	78 Campbell Drive Calgary, Alberta, T3L 2P5		2020	Page:
OCT-23-2020	FOR INFORMATION	Canada, T3L 2P5	Calgary, Alberta, TOE 21 0	Scale:	AS SHOWN	A-3
DATE	DESCRIPTION					

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