

LAND USE AMENDMENT  
MIDNAPORE (WARD 14)  
NORTH OF MIDLAKE BOUVLEVAR SE AND EAST OF  
MACLEOD TRAIL SE  
BYLAW 188D2017

MAP 34SS

**EXECUTIVE SUMMARY**

This land use amendment application seeks to redesignate a single residential parcel from a Residential – Contextual One Dwelling (R-C1) District to a Residential – Contextual One Dwelling (R-C1s) District to allow for either a Secondary Suite or a Backyard Suite as an additional use. The site contains an existing Single Detached Dwelling and the application was submitted as a result of a complaint.

**PREVIOUS COUNCIL DIRECTION**

On 2013 September 16, Council directed Administration to remove fees associated with land use amendment and development permit applications for secondary suites to encourage the development of legal and safe secondary suites throughout the city.

**ADMINISTRATION RECOMMENDATION(S)**

2017 April 20

That Calgary Planning Commission recommends **APPROVAL** of the proposed Land Use Amendment.

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaw 188D2017; and

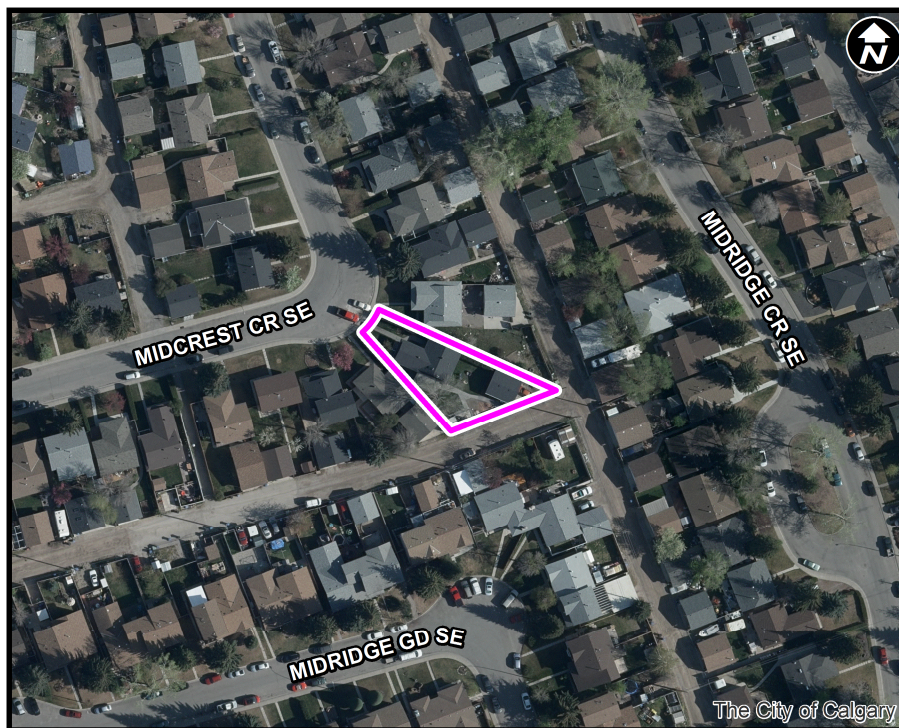
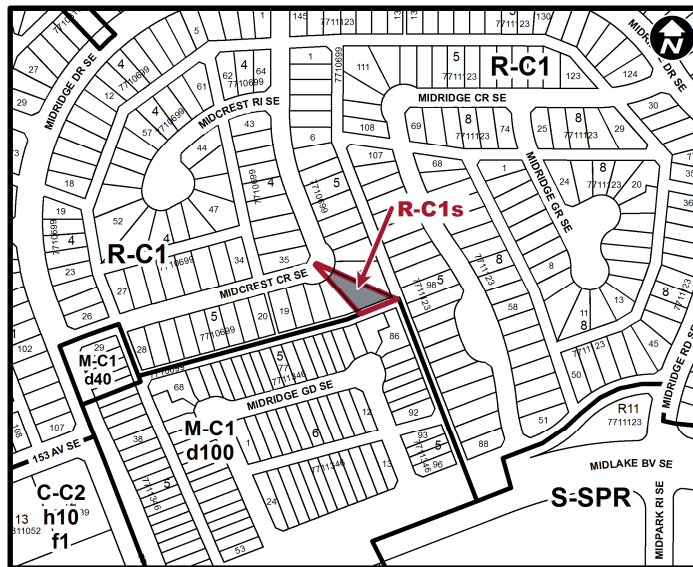
1. **ADOPT** the proposed redesignation of 0.07 hectares  $\pm$  (0.17 acres  $\pm$ ) located at 131 Midcrest Crescent SE (Plan 7710699, Block 5, Lot 15) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 188D2017.

**REASON(S) FOR RECOMMENDATION:**

The proposed R-C1s district, which allows for one of two forms of secondary suite uses (Secondary Suite or Backyard Suite), is compatible with and complementary to the established character of the community. The proposal conforms to relevant policies of the Municipal Development Plan and the Revised Midnapore Phase 2 Area Structure Plan and will allow for development that has the ability to meet the intent of Land Use Bylaw 1P2007.

**ATTACHMENT**

1. Proposed Bylaw 188D2017

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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.07 hectares  $\pm$  (0.17 acres  $\pm$ ) located at 131 Midcrest Crescent SE (Plan 7710699, Block 5, Lot 15) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

**Moved by: M. Foht**

**Carried: 7 – 0**

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**Applicant:**

Lydija Dahl

**Landowner:**

Lydija Dahl

**PLANNING EVALUATION**

**SITE CONTEXT**

Located in a low density residential R-C1 setting in the community of Midnapore, the site is approximately 17 metres by 41 metres in size and is developed with a one storey Single Detached Dwelling, a detached two-car garage that is accessed from the rear lane. Single Detached Dwellings exist to the north, east, south, and west of the site.

*According to data from The City of Calgary's Geodemographics Business Unit, the following table identifies Midnapore peak population and year, current 2016 population and the population amount and percentage difference between the peak and current populations if any.*

Midnapore	
Peak Population Year	1990
Peak Population	7,697
2016 Current Population	7,099
Difference in Population (Number)	-598
Difference in Population (Percent)	-8%

**LAND USE DISTRICTS**

The proposed R-C1s district allows for an additional dwelling unit (either a permitted use Secondary Suite or a discretionary use Backyard Suite) on parcels that contain a Single Detached Dwelling.

Approval of this land use application allows for an additional dwelling unit (either a Secondary Suite or Backyard Suite) to be considered via the development permit process. A development permit is not required if a Secondary Suite conforms to all Land Use Bylaw 1P2007 rules – only a building permit would be required.

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## LEGISLATION & POLICY

### South Saskatchewan Regional Plan (SSRP)

The site is located within the “City area” area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan* (SSRP). The SSRP makes no specific reference to this site. The land use proposal is consistent with the SSRP policies including the Land Use Patterns policies (subsection 8.14).

### Municipal Development Plan (MDP) (2009)

The site is located within a “Residential Developed – Established Area” on the Urban Structure Map (Map 1) in the *Municipal Development Plan* (MDP). While the MDP makes no specific reference to this site. This land use proposal is consistent with MDP policies including the Developed Residential Areas policies (subsection 3.5.1), the Neighbourhood Infill and Redevelopment policies (subsection 2.2.5) and the Housing Diversity and Choice policies (subsection 2.3.1).

### Revised Midnapore Phase 2 Area Structure Plan (ASP) (1991)

The ASP makes no specific reference to the parcel which is located in an area identified as the ‘Midnapore I Planning Area’ (Map 2: Land Use). The ‘Midnapore I Planning Area’ is subject to the Midnapore I Design Brief that was approved by Council in 1975. This design brief provides a number of development recommendations for the area including that it should be developed for predominantly residential purposes with a variety of dwelling unit types and arrangements to accommodate people of all ages and incomes (Recommendation A.1., p.6).

## TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Midcrest Crescent SE and the rear lane. The area is served by Calgary Transit bus service with a bus stop location within approximately 400 metre walking distance of the site on Midridge Drive SE. On-street parking adjacent to the site is unregulated through the Calgary Parking Authority’s residential parking permit system.

## UTILITIES & SERVICING

Water, sanitary, and sewer services are available and can accommodate the potential addition of a Secondary Suite without the need for off-site improvements at this time. Adjustments to on-site servicing may be required if a Backyard Suite is proposed at the development permit stage.

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**ENVIRONMENTAL ISSUES**

An Environmental Site Assessment was not required.

**GROWTH MANAGEMENT**

This land use amendment proposal does not require additional capital infrastructure investment, and therefore no growth management concerns have been identified at this time. The proposal is in alignment with MDP references associated with growth management matters.

**PUBLIC ENGAGEMENT**

**Community Association Comments**

Administration received a letter of no objection to the application from the Mid-Sun Community Association (See APPENDIX II). However the Community Association has building code concerns within the existing dwelling, as well as potential parking issues.

**Citizen Comments**

Administration did not receive any responses from citizens.

**Public Meetings**

No public meetings were held by the Applicant or Administration.

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**APPENDIX I**

**APPLICANT'S SUBMISSION**

I am applying to rezone my property from an R-C1 to an R-C1s to legalize the basement suite that appears to have been in place for several decades. I was told the suite was legal when purchase, but have since found out it isn't and would like to ensure that it is up to current building codes, safe and legal.

From my purchase inspection, I am aware of several deficiencies and would like to make the necessary repairs and updates to bring the property up to code.

Currently the area has two other re-zoned homes out of several hundred and the suite has been in place for a long time. This means there will be little to no change to the property values or how the property is being used.

The property already has adequate parking, including a detached garage. It has two separate entrances, two separate parking areas, two separate yards, two separate living spaces (no shared appliances – washer/dryer). The windows all seem up to code, although there is one room in the basement where I cannot obtain a window as my neighbour won't allow it – I have yet to find a remedy to allow for this to be a safe room and up to code as it appears my neighbour can void any safety requirements per our easement.

I am not proposing any changes other than to bring the suite up to code (electrical, plumbing, windows, etc) to make it safe.

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APPENDIX II

LETTERS SUBMITTED

**From:** [Brown, Franziska](#)  
**To:** [CPAG Circ](#)  
**Subject:** FW: Form: Community Association Feedback, New submission  
**Date:** March 29, 2017 8:35:47 AM

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-----Original Message-----

From: noreply@calgary.ca [<mailto:noreply@calgary.ca>]  
Sent: Tuesday, March 28, 2017 11:34 PM  
To: DP Circ <[DP.Circ@calgary.ca](mailto:DP.Circ@calgary.ca)>  
Subject: Form: Community Association Feedback, New submission

File number LOC2017-0070  
Name(s) of Planning Representative(s) who completed this form Mark Schmidt  
Community Association Mid-Sun Community Association  
Date returned 3/28/2017 12:00:00 AM  
I commit to the Planning System core values: innovation, collaboration, transparency, accountability, trust, and responsibility. Yes  
What are the strengths and challenges of the proposed development? Strengths area the pre-existing, unapproved development that seems to have fit in well. Challenges are ensuring this development can actually fit into the area.  
Are there changes that could be made to the proposed development to make it more compatible or beneficial to the area? No changes suggested.  
The use (if identified – not applicable for single-detached houses, semi-detached dwellings or duplexes) Use may not be appropriate if windows cannot be installed due to issues with zero-lot lines where the applicants house forms the border of the neighbours house. There may be no way to do this if the secondary suite's room requires a window for fire escape, and the window would exit into a neighbouring yard. Perhaps the exit in question could be more like a door, or tinted? This still may not be adequate, due to inherent property concerns with the neighbour.  
The site design The aforementioned issues with windows and zero-lot lines is concerning. The site is also at the corner of the crescent, which could result in parking issues, though there does seem to be a parking pad in the back.  
The building design n/a  
Has the applicant discussed the development permit application with the Community Association? No  
If yes, what information was provided? Has not discussed.  
Please provide any additional comments or concerns regarding the proposed development. We really appreciate the applicant's intention to fully disclose and bring the secondary suite up to code. If there have been no prior issues with this suite, and I am not aware of any, that helps to support their cause. However, the site may not be appropriate for a suite if escape windows cannot be installed in the necessary rooms.