

**LAND USE AMENDMENT
MARLBOROUGH PARK (WARD 10)
MADIGAN DRIVE NE AND MAITLAND DRIVE NE
BYLAW 321D2017**

MAP 23E

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. To Administration's knowledge there is an existing suite located on the parcel 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 August 24

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 321D2017; and

1. **ADOPT** the proposed redesignation 0.05 hectares \pm (0.12 acres \pm) located at 5988 Madigan Drive NE (Plan 7410976, Block 17, Lot 4) 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 321D2017.

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 will allow for development that has the ability to meet the intent of Land Use Bylaw 1P2007.

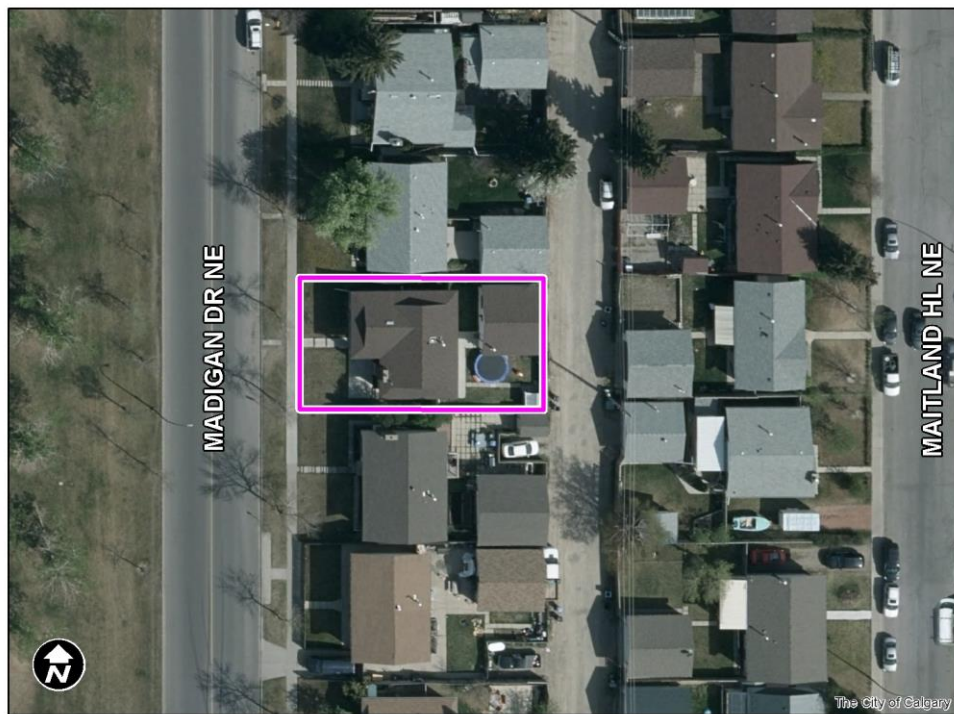
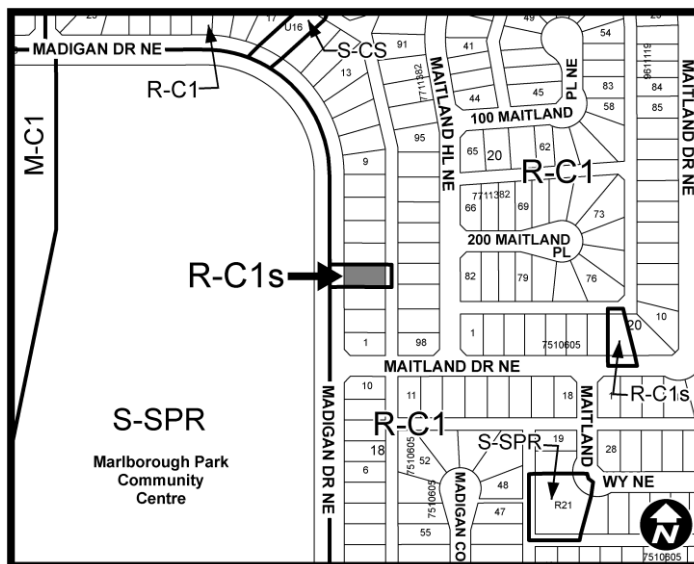
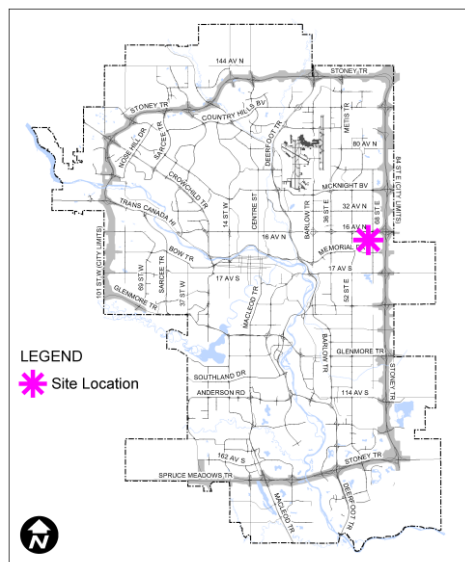
ATTACHMENT

1. Proposed Bylaw 321D2017
2. Public Submission

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LOCATION MAPS



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council **ADOPT**, by bylaw, the proposed redesignation of 0.05 hectares \pm (0.12 acres \pm) located at 5988 Madigan Drive NE (Plan 7410976, Block 17, Lot 4) from Residential – Contextual One Dwelling (R-C1) District **to** Residential – Contextual One Dwelling (R-C1s) District.

Moved by: C. Friesen
Absent: R. Wright

Carried: 5 – 0

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Applicant:

Edomwonyi Omorotionmwan

Landowner:

Edomwonyi Omorotionmwan
Chinwe Edomwonyi - Omorotionmwan

PLANNING EVALUATION

SITE CONTEXT

Located in a low density residential R-C1 setting in the community of Marlborough Park, the site is approximately 16 metres by 30 metres in size and is developed with a one-storey single detached dwelling, a secondary suite, and a detached two-car garage that is accessed from the rear lane. Single detached dwellings exist to the north, east, and south of the site. A park exists to the west of the site.

According to data from The City of Calgary 2016 Census, the following table identifies Marlborough Park's peak population and year, current population and the population amount and percentage difference between the peak and current populations.

Marlborough Park	
Peak Population Year	1982
Peak Population	9,735
2016 Current Population	8,711
Difference in Population (Number)	-1,024
Difference in Population (Percent)	-11%

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 (2014)

The site is located within the “City, Town” 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 (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).

There is no statutory local area plan.

TRANSPORTATION NETWORKS

Pedestrian and vehicular access to the site is available from Madigan Drive NE and the rear lane. The area is served by Calgary Transit bus service with a bus stop location within approximately 50 metre walking distance of the site on Madigan Drive NE. On-street parking adjacent to the site is unregulated.

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.

ENVIRONMENTAL ISSUES

An Environmental Site Assessment was not required.

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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 in opposition to the application from the Marlborough Park Community Association (APPENDIX II).

Reasons stated for opposition are summarized as follows:

- Marlborough Park was built for single families.

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

We issue this letter in support of our application for a re-designation of our property, 5988 Madigan Drive NE, Calgary, Alberta T2A 5A3.

We are law abiding citizens of our City and we are very proud to remain so. We purchased this property with an existing basement suite on March 31, 2017 for rental purposes. We understand the importance and support the need for it to comply with all City by-laws and regulations.

We are hoping that if this application is approved, we would be able to apply to the City for a Development Permit to enable us to re-develop the basement level of the property so as to comply with all City codes. We are also confident that we would have been able to provide more reduced affordable housing for Calgary residents if the application is approved and we are able to re-develop the property as intended.

On May 30, 2017 from the City, i.e. two months into our ownership of this property, we received a letter stating that we were in breach of City by-laws because some aspect of the basement level of the property breach City codes. Even though an inspection was carried out which determined that we were not in breach, we find this as an additional compelling reason that would warrant this application to be granted to enable us to fully re-develop the basement level of the property.

Most importantly, while trying to put this property to use for the purpose for which it was purchased, we do not want to be in breach of any aspect of the rules and regulations of our great City. This is our honest intention and we hope you would approve this application.

Thank you, in anticipation of your favourable response to our application.

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APPENDIX II

LETTERS SUBMITTED

Good Afternoon Ezra,

As per telephone conversation i'm opposed to suites whether they are legal or illegal.

We are in an area that was built for single families.

Marlene Frederick
MPCA

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APPENDIX III

IMPORTANT TERMS

While there are specific Land Use Bylaw 1P2007 definitions and development rules for Secondary Suite and Backyard Suite uses, the following information is provided to simply and enhance general understanding of these two different uses (Secondary Suite or Backyard Suite).

Important terms



Secondary suite: A self-contained dwelling unit within the main residence that has separate living, cooking, sleeping and bathroom facilities. These are commonly referred to as basement suites or in-law suites.

Backyard suite: A self-contained dwelling unit in a detached building that has separate living, cooking, sleeping and bathroom facilities. These are commonly referred to as garage suites, garden suites, or laneway homes.

