

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Development Authority	DIVISION: 5
DATE:	March 24, 2021	APPLICATION: PRDP20210086
FILE:	05205006	
SUBJECT:	Home-Based Business, Type II / Discretionary use, with Variances	

APPLICATION: The application is for a Home-Based Business Type II, for automotive storage of hobby vehicles and relaxation of the allowable use.

GENERAL LOCATION: Located approximately 0.81 km (1/2 mile) north of Twp. Rd. 250 and on the east side of Rge. Rd. 274

LAND USE DESIGNATION: Agricultural, General District under Land Use Bylaw C-8000-2020.

EXECUTIVE SUMMARY: The Applicant utilizes an outdoor storage area, 125.42 sq. m (1,350.00 sq. ft.) in size, for the storage of personal hobby vehicles. The previous Development Permit (PRDP20181271) was never issued due to prior to release conditions not being met and expired on June 13, 2019. As such, the current Development Permit application requires prior to release conditions to be carried forward. The Applicant indicated that they do not have any business sales on site. The Development Permit for a Home-Based Business, Type II, allows the Applicant to utilize the outside storage area to store nine (9) personal hobby vehicles. There are no non-resident employees, no customers, and no signage. There is an Enforcement file for this parcel; the Applicant was required to either remove the existing vehicles from the property or apply for a Development Permit for storage of those cars. The Applicant chose to apply for a Development Permit.

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

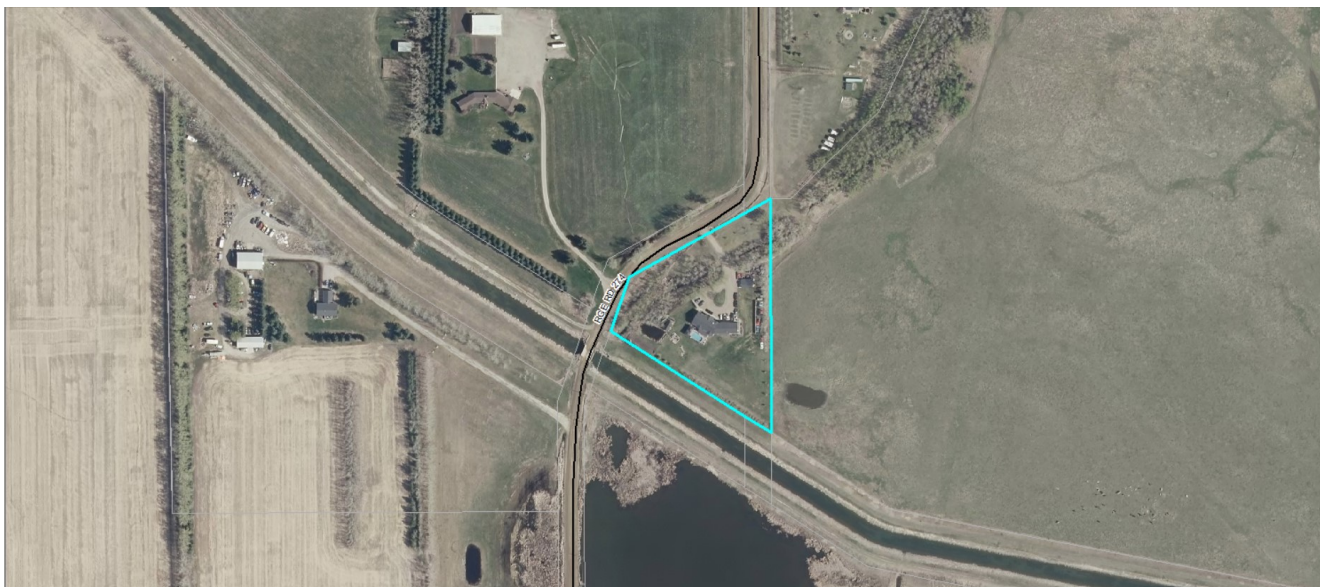
OPTIONS:

- Option #1: THAT Development Permit Application PRDP20210086 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20210086 be refused for the following reasons:
1. That the application does not meet the requirements for a Home-Based Business, Type II, as specified in Section 145 (f) of the Land Use Bylaw, C-8000-2020.
 - *Retail, restaurants, and automotive related businesses shall not be permitted as a Home-Based Business (Type II).*
 2. 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.

Administration Resources

Bronwyn Culham, Planning and Development

AIR PHOTO & DEVELOPMENT CONTEXT:



VARIANCE SUMMARY:

Variance	Requirement	Proposed	Percentage (%)
Section 145 (f) Home-Based Business (Type II) General Requirements	Retail, restaurants, and automotive related businesses shall not be permitted as a Home-Based Business (Type II).	Allowance of an automotive related Home-Based Business (Type II)	N/A

APPLICATION EVALUATION:

The application was evaluated based on the information submitted with the application and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> Land Use Bylaw C-8000-2020 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> Site Plan
DISCRETIONARY USE: <ul style="list-style-type: none"> Home-Based Business, Type II is listed as a Discretionary use. 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> Municipal Planning Commission

Additional Review Considerations

The subject property is located partially within a Riparian Protection Area. The vehicles are stored in both the Riparian Area as well as southeast of the Riparian Area. As such, Administration deemed it prudent to relocate the proposed storage area outside of the Riparian Area, approximately towards the southeast section of the parcel. The Applicant sent an email on May 15, 2018, confirming that they agreed with the new location of the outside storage area recommended by Administration. They have moved the majority of the vehicles and have also erected a fence as screening from the road.



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Section 145 (f) of the Land Use Bylaw states that automotive related businesses shall not be permitted as a Home-Based Business, Type II. The storage area does not appear to unduly interfere with the amenities of the neighbourhood or materially interfere with and affects the use, enjoyment, and value of neighbouring parcels of land.

CONCLUSION:

Subject to the proposed Development Permit conditions, the application is recommended for Approval.

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

Executive Director
Community Development Services

Chief Administrative Officer

BC/llt

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 a Home-Based-Business, Type II, for automotive storage, may take place on the subject parcel in general accordance with the approved application and site plan, submitted on December 12, 2020.
 - a) That the proposed Automotive use is permitted as a Home-Based Business, Type II.

Prior to Release:

- 2) That prior to release of this permit, all of the unregistered vehicles shall be either removed from the subject property or relocated to the designated storage area of 123 sq. m (1,324.00 sq. ft.), which is located outside of the Riparian Protection Area, in accordance with the revised site plan.
 - a) Upon completion of the relocation of the vehicles, a site inspection shall be completed by Planning Services, to ensure that all unregistered vehicles have been removed from the Riparian Protection area and appropriately stored in the outside storage area or removed from the subject property.
- 3) That prior to release of this permit, the Applicant shall submit a revised site plan, detailing that the outside storage area meets the land setback requirements and that it shall be completely screened from adjacent properties by adequate screening elements that may include landscaping and/or solid fencing, to the satisfaction of the County.
 - a) Upon approval of the revised site plan, a site inspection shall be completed by Planning Services, to ensure that the outside storage area is completely screened from adjacent properties, as per the approved site plan.
 - b) If the screening is deemed inadequate, a revised site plan that incorporates additional screening elements shall be submitted, reapproved and re-inspected by Planning Services until deemed approved.

Permanent:

- 4) That there shall be zero (0) non-resident employees at any time.
- 5) That an employee in this Home-Based Business is a person who attends the property more than once in a seven day period for business purposes.
- 6) That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighborhood or immediate area.
- 7) That the Home-Based Business shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare, or refuse matter considered offensive or excessive by the Development Authority, and at all times, the privacy of the adjacent residential dwellings shall be preserved. The Home-Based Business use shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
- 8) That the Home-Based Business shall be limited to the dwelling, its accessory buildings, and the outside storage area.
- 9) That no outside storage of equipment, goods, materials, commodities, or finished products shall not be allowed except as permitted in this Development Permit.
- 10) That all vehicles or equipment used in the Home-Based Business shall be kept within an existing building or within the designated outside storage area.



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- 11) That all outside storage that is a part of the Home-Based Business, including vehicles and vehicles parts, shall be completely screened from adjacent lands, shall meet the minimum setback requirements for buildings, and shall not exceed 123.00 sq. m (1,324.00 sq. ft.) or nine (9) vehicles, whichever is the lesser.
- 12) That there shall be no outside storage of equipment, goods, materials, commodities, vehicles or finished products stored within the Riparian Protection Area at any time.
- 13) That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
- 14) That the operation of this Home-Based Business may generate up to a maximum of eight (8) business-related visits per day.
- 15) That any on-site Lighting shall be "dark sky", and all private lighting, including site security lighting and parking area lighting, should be designed to conserve energy, reduce glare and reduce uplift. All development will be required to demonstrate lighting design that reduces the extent of spill-over glare and eliminates glare as viewed from nearby residential properties.
- 16) That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.
- 17) That the Home-Based Business shall not change the residential character and external appearance of the land and buildings.
- 18) That any non-domestic wastewater, anti-freeze, oils or fuels that accumulate on site shall be held in sealed tanks, the contents of which shall be pumped out and properly disposed of off-site in accordance with the regulations administered by Alberta Environment.
- 19) That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application, or in response to a prior to issuance or occupancy condition, shall be implemented and adhered to in perpetuity.

Advisory:

- 20) That the County's Noise Control Bylaw C-5772-2003 shall be adhered to at all times.
- 21) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
- 22) That if this Development Permit is not issued by **September 30, 2021** or the approved extension date, then this approval shall become null and void and the Development Permit shall not be issued.
- 23) That once issued, this Development Permit shall be valid until **April 21, 2022**.



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ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Rene & Annette Clemens	OWNER: Rene & Annette Clemens
DATE APPLICATION RECEIVED: January 7, 2021	DATE DEEMED COMPLETE: January 28, 2021
GROSS AREA: ± 1.23 hectares (± 3.04 acres)	LEGAL DESCRIPTION: SE 05-25-27-W04M
APPEAL BOARD: Municipal Government Board	
HISTORY: PRDP20181271 Development Permit for Home-Based Business, Type II, for automotive storage of motor vehicles – Closed – expired Sep 17, 1999: (1999-BP-13309) Building Permit for “addition to the existing dwelling” May 20, 1993: (1993-BP-3413) Building Permit for “a single family dwelling”	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	

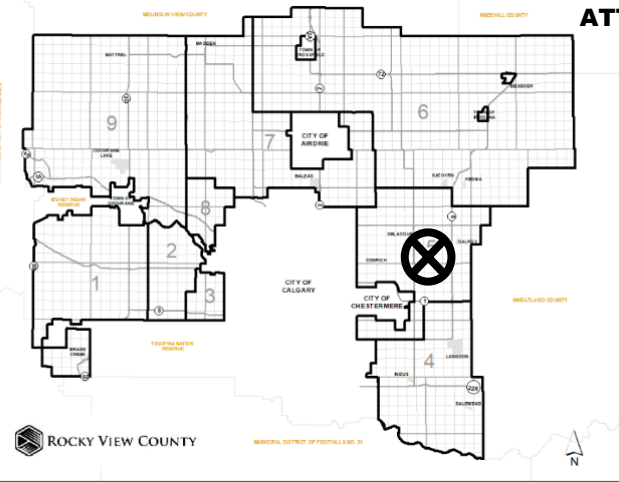


Location & Context

Development Proposal

Home-Based Business
Type II, for automotive
storage and relaxation of
the allowable use

ATTACHMENT 'B': MAPS AND OTHER INFORMATION



Division: 05
Roll: 05205006
File: PRDP20210086
Printed: Feb 3, 2021
Legal: A portion of SE-05-
25-27-W04M

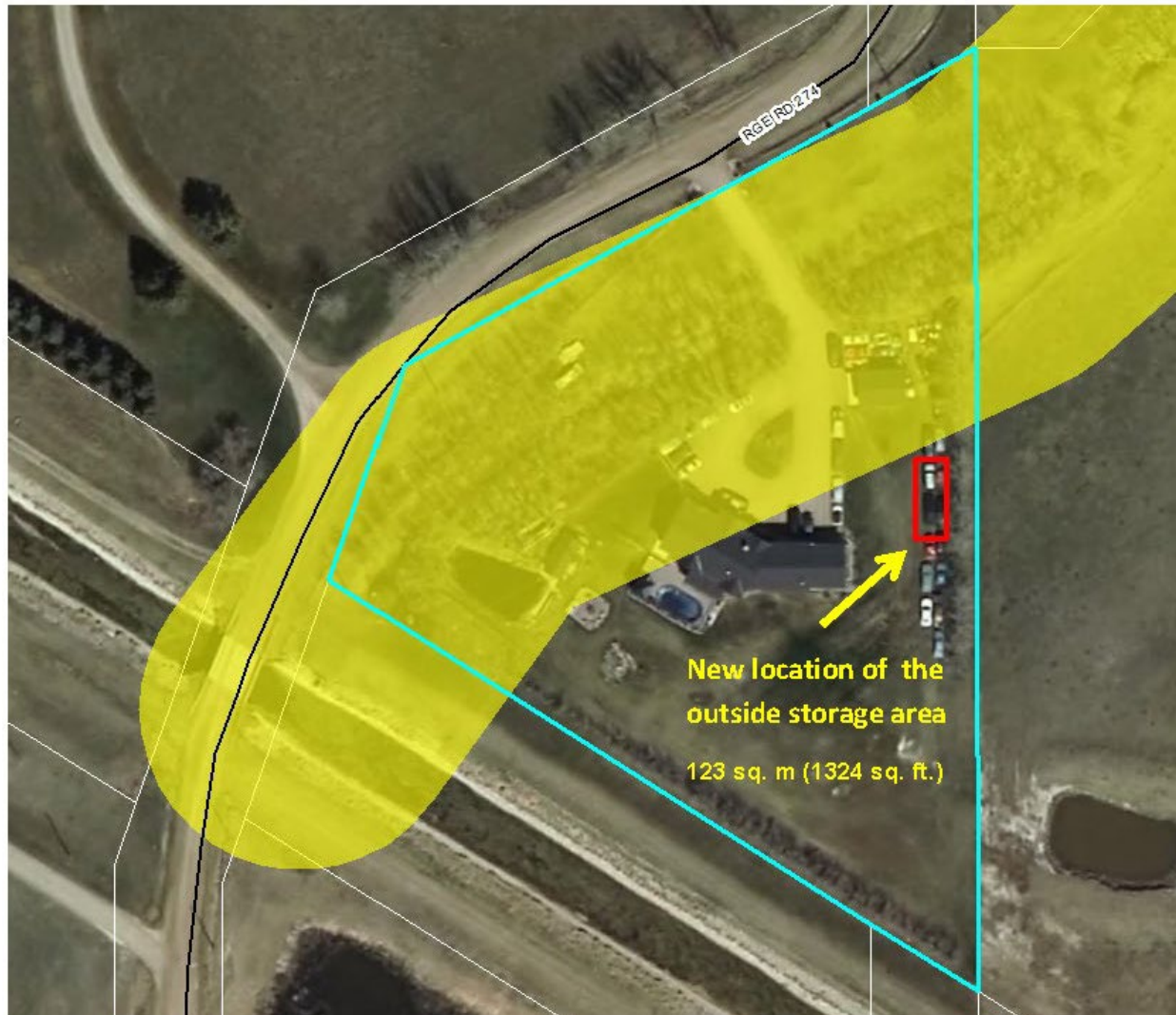
New Location of the Outside Storage Area

Site Plan

DP Application: PRDP20181271 - 05205006

Development Proposal

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 the allowable use



Division: 05
 Roll: 05205006
 File: PRDP20210086
 Printed: Feb 3, 2021
 Legal: A portion of SE-05-
 25-27-W04M

Inspection Photos

March 8, 2021



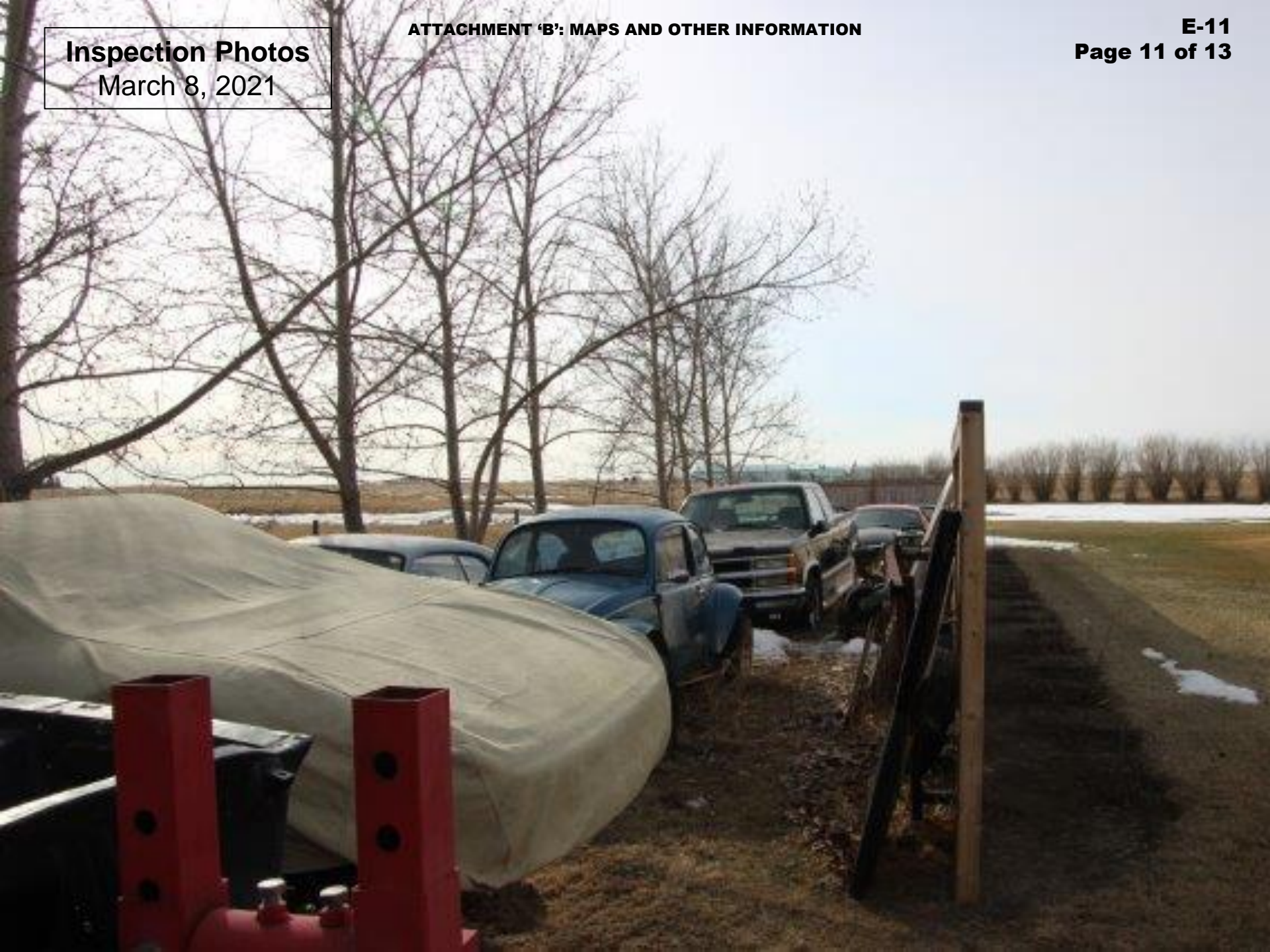
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March 8, 2021



Inspection Photos

March 8, 2021

