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**PLANNING AND DEVELOPMENT SERVICES**

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<b>TO:</b>	Municipal Planning Commission Development Authority	<b>DIVISION:</b>	1
<b>DATE:</b>	April 14, 2021	<b>APPLICATION:</b>	PRDP20210285
<b>FILE:</b>	03912056		
<b>SUBJECT:</b>	Bed and Breakfast / Discretionary use, with Variances		

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**APPLICATION:** renewal of a Bed and Breakfast and relaxation of the allowance of a Bed and Breakfast in a principal dwelling which has an existing Home-Based Business (Type II).

**GENERAL LOCATION:** Located in the hamlet of Bragg Creek

**LAND USE DESIGNATION:** Residential, Urban District (R-URB) under Land Use Bylaw C-8000-2020.

**EXECUTIVE SUMMARY:** The proposal is for the renewal of a Bed and Breakfast and relaxation of the allowance of a Bed and Breakfast in a principal dwelling which has an existing Home-Based Business (Type II). This is the second renewal to date. The previous development permit, PRDP20201138, was issued on August 5, 2020 and expired on January 12, 2021. Section 125 (b) of the newly adopted Land Use Bylaw states that Bed and Breakfasts shall not be permitted in a principal dwelling which has an existing Home-Based Business (Type I) or Home-Based Business (Type II). As such, a relaxation for the allowance of a Bed and Breakfast is requested. The Bed and Breakfast utilizes 1,470 sq. ft. of a 3,000 sq. ft. single detached dwelling and three (3) out of four (4) bedrooms are occupied by guests. There is one (1) customer visit per day and seven (7) vehicles per week with seven (7) parking stalls available on the property. There is one (1) full-time employee who lives on site. The Bed and Breakfast operates seven days per week and 24 hours a day. There is no signage. A complaint was filed in 2019 regarding the B&B becoming an Airbnb with the addition of cabins. As the County has a moratorium for the enforcement on Airbnb's, the County was unable to proceed with gaining compliance. If the Bed & Breakfast turned into a Vacation Rental, then an additional Development Permit is required.

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

**OPTIONS:**

- Option #1: THAT Development Permit Application PRDP20210285 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20210285 be refused for the following reasons:
1. That the application does not meet the requirements for a Bed and Breakfast, as specified in Section 125 (b) of the Land Use Bylaw, C-8000-2020.
    - *Bed and Breakfasts shall not be permitted in a principal dwelling which has an existing Home-Based Business (Type I) or 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.

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**Administration Resources**

Bronwyn Culham, Planning & Development Services

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

Variance	Requirement	Proposed	Percentage (%)
Section 125 (b) Bed and Breakfast General Requirements	Bed and Breakfasts shall not be permitted in a principal dwelling which has an existing Home-Based Business (Type I) or Home-Based Business (Type II)	Allowance of a Bed and Breakfast in a principal dwelling which has an existing 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.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li><i>Municipal Government Act;</i></li> <li>Municipal Development Plan;</li> <li>Greater Bragg Creek ASP</li> <li>Land Use Bylaw; and</li> <li>County Servicing Standards.</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>Site Plan</li> </ul>
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<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• Bed and Breakfast is a discretionary use in the R-URB District</li> </ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission</li> </ul>
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#### Additional Review Considerations

Section 125 (b) of the Land Use Bylaw states that Bed and Breakfasts shall not be permitted in a principal dwelling which has an existing Home-Based Business (Type I) or Home-Based Business (Type II). A Home-Based Business, Type II, for specialty sales of antiques and collectables under the name “Archers Antiques” has been operating from the site for over 20 years.

The Bed and Breakfast 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 conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Al Hoggan”

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Acting Executive Director  
Community Development Services

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Chief Administrative Officer

BC/llt

#### **ATTACHMENTS**

ATTACHMENT ‘A’: Development Permit Report Conditions

ATTACHMENT ‘B’: Maps and Other Information



ROCKY VIEW COUNTY

**ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS**Option #1:

APPROVAL, subject to the following conditions:

**Description:**

- 1) That a Bed and Breakfast may continue to operate on the subject parcel in accordance with the approved site plan and the conditions of this permit.
  - i) That the Bed and Breakfast is permitted in a principal dwelling which has an existing Home-Based Business (Type II).

**Permanent:**

- 2) That the Bed and Breakfast home shall be limited to the dwelling unit and be secondary to the residential use of the subject parcel.
- 3) That a maximum of three (3) bedrooms may be used for the Bed and Breakfast Home at any time.
- 4) That the only meal to be provided to registered guests shall be breakfast. No food preparation or cooking for or by guests shall be conducted within any bedroom made available for rent.
- 5) That all customer-parking shall be on the Applicant's property.
- 6) That a maximum stay of 14 days per person shall be permitted.
- 7) That the operation of this Bed and Breakfast Home shall not generate noise, smoke, dust, fumes, glare, or refuse matter considered offensive or excessive by the Development Authority, and at all times, the privacy of adjacent residential dwellings shall be preserved.
- 8) The Bed and Breakfast Home shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
- 9) That no off-site or on-site advertisement signage associated with the Bed and Breakfast Home shall be permitted.
- 10) That minimal exterior modification of the structure or grounds may be made, and only if such changes are compatible with the character of the area or neighbourhood and pursuant to Development Permit and Building Permit requirements.
- 11) That the operation of the Bed and Breakfast Home shall be subordinate and incidental to the principal use of the dwelling unit as an owner-occupied residence.
- 12) That the Bed and Breakfast Home hours of operation should attempt to not overlap with the hours of operation of the approved Home Based Business, Type II, operated Thursday to Sunday from 12:00 pm to 5:00 pm.
- 13) That the Bed & Breakfast shall not operate onsite unless the dwelling, single detached is being permanently, full-time resided in.
- 14) That this approval does not include a *Vacation Rental*.

**Advisory:**

- 15) That there shall be a fire extinguisher on each level of the Bed and Breakfast Home.
- 16) That there shall be a smoke detector in each bedroom of the Bed and Breakfast Home.
- 17) That the Applicant shall contact the County yearly to arrange for an inspection (if required), to be carried out by the Fire Chief for Rocky View County.



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- 18) That the Applicant/Owner shall obtain a Food Establishment Permit from Alberta Health Services and meet any requirements of the Public Health Act Food Regulation as it pertains to Bed & Breakfasts.
- 19) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
- 20) That this Development Permit, shall be valid until **May 12, 2026**



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## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<b>APPLICANT:</b> Steven Archer	<b>OWNER:</b> Steven Archer
<b>DATE APPLICATION RECEIVED:</b> January 21, 2021	<b>DATE DEEMED COMPLETE:</b> February 11, 2021
<b>GROSS AREA:</b> ± 0.17 hectares (± 0.43 acres)	<b>LEGAL DESCRIPTION:</b> Lot 2, Block B, Plan 5513 HL; NE-12-23-05-W05M (A 24 WHITE CRESCENT)
<b>APPEAL BOARD:</b> Municipal Government Board	
<b>HISTORY:</b> <p><b>May 4, 2004 – August 5, 2020:</b> Development Permits (PRDP20201135) for a Home-Based Business, Type II, for specialty sales of antiques and collectables - There have been twenty-two renewals to date</p> <p><b>May 15, 2001:</b> Development Permit (2001-DP-9258) A Bed &amp; Breakfast was applied for but expired due to a sanitary sewage condition not being completed</p> <p><b>Jul 16, 2012:</b> Building Permit (2012-BP-25050) Construction of a detached garage/storage small shop – PSR Issued - Closed</p> <p><b>Jul 05, 1990:</b> Building Permit (1990-BP-1796) Construction of an accessory building (workshop)– Occupancy Granted</p> <p><b>Jun 02, 1989:</b> Building Permit (1989-BP-1060) Renovation of a basement – Occupancy Granted</p> <p><b>May 11, 1987:</b> Building Permit (1987-BP-299) Construction of a foundation for move on residence and renovation of a residence interior and addition – Occupancy Granted</p>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	



## Development Proposal

Renewal of a Bed and Breakfast, relaxation of the allowance of a Bed and Breakfast in a principal dwelling which has an existing Home-Based Business (Type II).

Division: 01  
Roll: 03912056  
File: PRDP20210285  
Printed: Mar 5, 2021  
Legal: Lot:2 Block:B  
Plan:5513 HL within NE-12-  
23-05-W05M







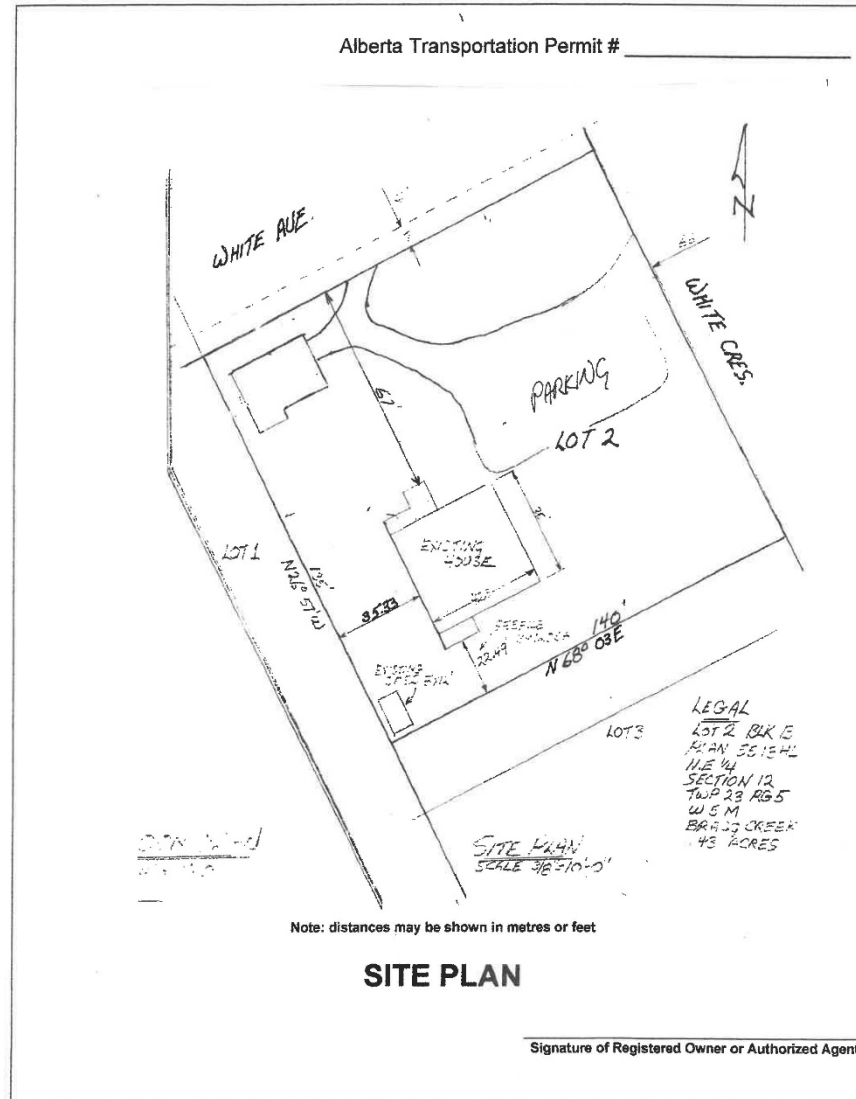
Government  
of Alberta  
Transportation

## ROADSIDE DEVELOPMENT APPLICATION FOR DEVELOPMENT NEAR A PROVINCIAL HIGHWAY

### Site Plan

#### Development Proposal

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Inspection Photos  
March 3, 2021



Inspection Photos  
March 3, 2021



Inspection Photos  
March 3, 2021





Inspection Photos  
March 3, 2021

