

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Development Authority
DIVISION: 5

DATE: May 12, 2021
APPLICATION: PRDP20211588

FILE: 05333107

SUBJECT: Home-Based Business, Type II / Discretionary use, with Variances

APPLICATION: Application is for a Home-Based Business, Type II, for an automotive business (vehicle sales and paintless dent repair) and relaxation of the allowable business use regulation.

GENERAL LOCATION: located at the southwest junction of Twp. Rd. 260 and Rge. Rd. 283.

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

EXECUTIVE SUMMARY: The Applicant is proposing to operate a Home-Based Business, Type II, for an automotive sales and paint-less dent repair on the subject parcel. The Applicant states the two businesses, automotive sales and paint-less dent repair, has three (3) employees, one (1) is a resident of the parcel. The paint-less dent repair business does majority of work off site, with bulk of work for car dealerships, and the automotive sales is proposed for expansion. The applicant states that employee and customer visits would be 1-2 visits per month and the businesses operates from 8:00 am to 4:00 pm, Monday to Friday. The businesses utilise approximately 66.00 sq. m (710.42 sq. ft.) of indoor storage space (existing triple vehicle garage) and approximately 50.00 sq. m (538.20 sq. ft.) of outside storage, directly adjacent to the garage requiring a relaxation to the type of business regulation.

ADMINISTRATION RECOMMENDATION: Administration recommends refusal in accordance with Option #2.

OPTIONS:

Option #1: THAT Development Permit Application PRDP20211588 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Development Permit Application PRDP20211588 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

Wayne Van Dijk, Planning and Development



AIR PHOTO & DEVELOPMENT CONTEXT:



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"> • <i>Municipal Government Act</i> • Land Use Bylaw C-8000-2020 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • None
DISCRETIONARY USE: <ul style="list-style-type: none"> • Home Based Business, Type II is listed as Discretionary Use 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • Municipal Planning Commission

Additional Review Considerations

Section 146 (f) of the Land Use Bylaw states that automotive related businesses shall not be permitted as a Home-Based Business, Type II. The proposed development has the potential 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. The Applicant has gained written support from three adjacent landowners, which have been included in the package.



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CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

WV/lt

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 sales and paintless dent repair may commence to operate on the subject parcel in accordance with the approved site plan and conditions of this permit.
 - i. That the proposed Automotive use is permitted as a Home-Based Business, Type II.

Permanent:

2. That the number of non-resident employees, for the operation of this Home-Based Business, in conjunction with any other Home-Based Business approved for this parcel, shall not exceed two (2) at any time.
3. That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.
4. That the Home-Based Business, Type II shall not change the residential character and external appearance of the land and buildings.
5. That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
6. 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 and the Home-Based Business use shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents.
7. That the Home-Based Business shall be limited to the dwelling and its accessory buildings.
8. That all vehicles, trailers, or equipment that are used in the Home-Based Business shall be kept within a building or the outside storage area.
9. That all outside storage that is part of this Home-Based Business, Type II shall be screened from adjacent lands, to the satisfaction of the Development Authority, shall meet the minimum setback requirements for buildings and shall not exceed **50.00 sq. m (538.20 sq. ft.)** in general accordance with the Site Plan.
 - i. That any site landscaping or screening elements approved with the application, shall be maintained onsite at all times.
10. That there shall be no signage, exterior display or advertisement of goods and services discernable from the outside of the building.
11. That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
12. That the operation of this Home-Based Business, in conjunction with any other Home-Based Business approved for this parcel, may generate up to a maximum of eight (8) business-related visits per day.
13. That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.



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14. That this Development Permit shall be valid until **June 2, 2022**.

Advisory:

15. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.



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ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Corey Mah	OWNER: Barry & Linda Mah
DATE APPLICATION RECEIVED: April 20, 2021	DATE DEEMED COMPLETE: April 28, 2021
GROSS AREA: ± 1.63 hectares (± 4.03 acres)	LEGAL DESCRIPTION: Lot 26, Block 1, Plan 0211172, NE-33-25-28-W04M (22 North Shore Point)
APPEAL BOARD: Subdivision, Development Appeal Board	
HISTORY: <ul style="list-style-type: none"> No previous development permit history 	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	



Aerial Imagery

Development Proposal

a Home-Based Business, Type II, for an automotive business (sales and paintless dent repair) and relaxation of the allowable business use



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 25-28-W04M

Cover Letter

Development Proposal

a Home-Based Business, Type II, for an automotive business (sales and paintless dent repair) and relaxation of the allowable business use

To whom it may concern:

I currently operate an automotive repair business, Dent Reaper Ltd., providing paintless dent repair services (automotive hail damage, door dings etc.), and am looking to expand my business operations to include automotive sales. Being a self-employed contractor, I've found it can be challenging at times, to find enough contract work to support my family and myself. Recently, I have begun to supplement my contract work, by generating work in the form of acquiring vehicles with hail damage, repairing the hail and reselling them privately. Unfortunately, by doing this privately, I do not have access to any of my business assets including service license plates, insurance, capital, and most importantly, being a business. I am also restricted to 2 sales per year. Anyone selling more than 2 vehicles a year, needs to identify with AMVIC as a salesperson/business. In order for me to add sales to my AMVIC licence, I first require municipal approval. I am hoping to seize this as an opportunity to integrate, streamline and diversify my business in these recessive times. Doing so will allow me to incorporate these types of jobs into my business model, offering more flexibility in maintaining a consistent workload, better asset management and increase revenue generated through the business.

Due to a down turn in contract work, the number of business-related vehicles coming to and/or being stored on the property, has decreased. As such, I feel my request to expand business operations will still fall within my original home-based business application requirements with regards to traffic/visits and storage needs and ultimately, have little impact within the community. I am aware that automotive use has become restricted as a

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type II home-based business, but am hopeful that an exception may be considered. I feel the amendments I am seeking are more of an administrative change, and will not alter the physical presence of my business.

Additionally, I have discussed this proposal with my adjoining neighbours, whom gave me their consent and did not express any concerns with me making an application to expand my current business services. I have also reviewed the land use bylaw review, dated Oct 2019, and feel that I would not contribute to any of the concerns expressed in the feedback/comments from other residents of the community.

The property is situated in the north eastern corner of the Parrie Royal Estates community, at the end of a cul-de-sac off the main (Shore) drive. It is flanked by a power line land parcel on the north (tpw 260) and a 150-acre agricultural parcel to the east (range road 283). It has access to these back dirt roads, which would assist in keeping traffic through the community at a minimum. I currently have 2 full-time employees, neither whom reside on the property. Both employee and client visits to the property are very infrequent (1-2 times per month). Historically, I've done my (private) sale viewings on an appointment basis and would meet any potential buyers within the City of Calgary limits, also negating any additional traffic volume to be generated from expanding my current business operations. Work hours vary but will still be kept between 0800-1600, Monday to Friday. I do not anticipate any additional noise/pollution to be generated from adding a sales aspect. I plan to utilize storage areas currently approved for my business-related vehicles; indoor storage space consisting of the attached garage/shop, and the outdoor storage area being in the inside of the "L", directly in front of the house/attached garage. The outdoor area is approx. 12m from closest property line, to the west, screened by numerous mature evergreen trees, bushes and shrubs to the south and west, while being blocked by the house/garage on the north and east.

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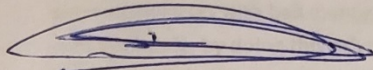
Adjacent Landowner Consent

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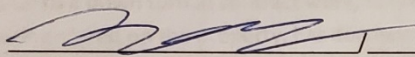
I/we, Carl Molyneaux, Lori Molyneaux,

residing at 30 North Shore Point, give my/our consent to Corey Mah (operating as Dent Reaper Ltd.) in an application to expand current automotive business operations.

 L. Molyneaux Date April 20/21

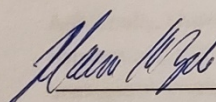
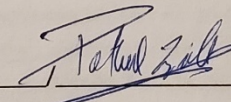
I/we, SCOTT KELLY,

residing at 34 North Shore Point, give my/our consent to Corey Mah (operating as Dent Reaper Ltd.) in an application to expand current automotive business operations.

 Date Apr 12/21

I/we, MARIANNA KILLO-ZEZULIGA, PATRICK ZEZULIGA,

residing at 26 North Shore Point, give my/our consent to Corey Mah (operating as Dent Reaper Ltd.) in an application to expand current automotive business operations.

  Date APRIL 20/21

I/we, _____,

residing at _____ North Shore Point, give my/our consent to Corey Mah (operating as Dent Reaper Ltd.) in an application to expand current automotive business operations.

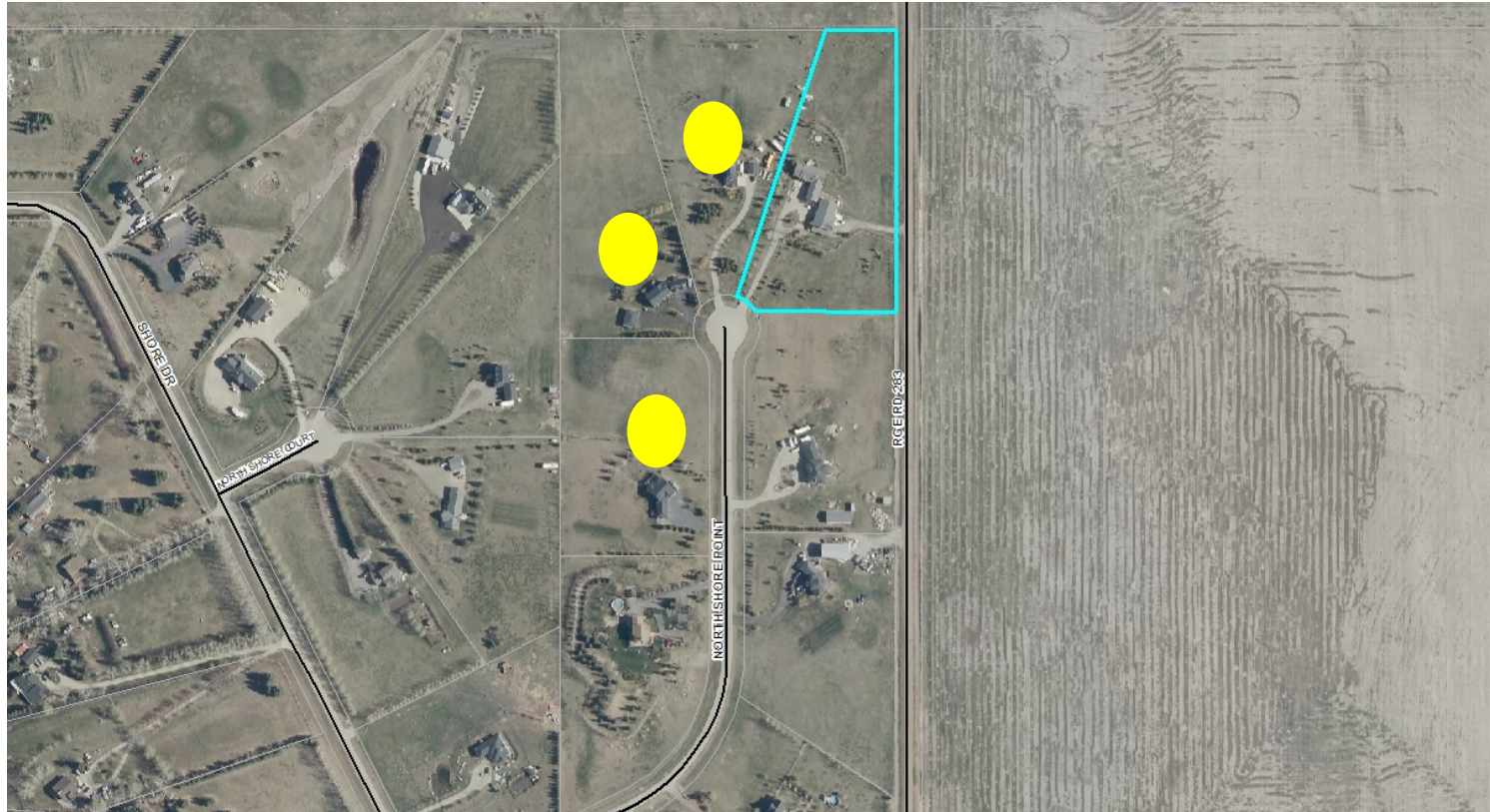
_____, _____ Date _____

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Adjacent landowner consent



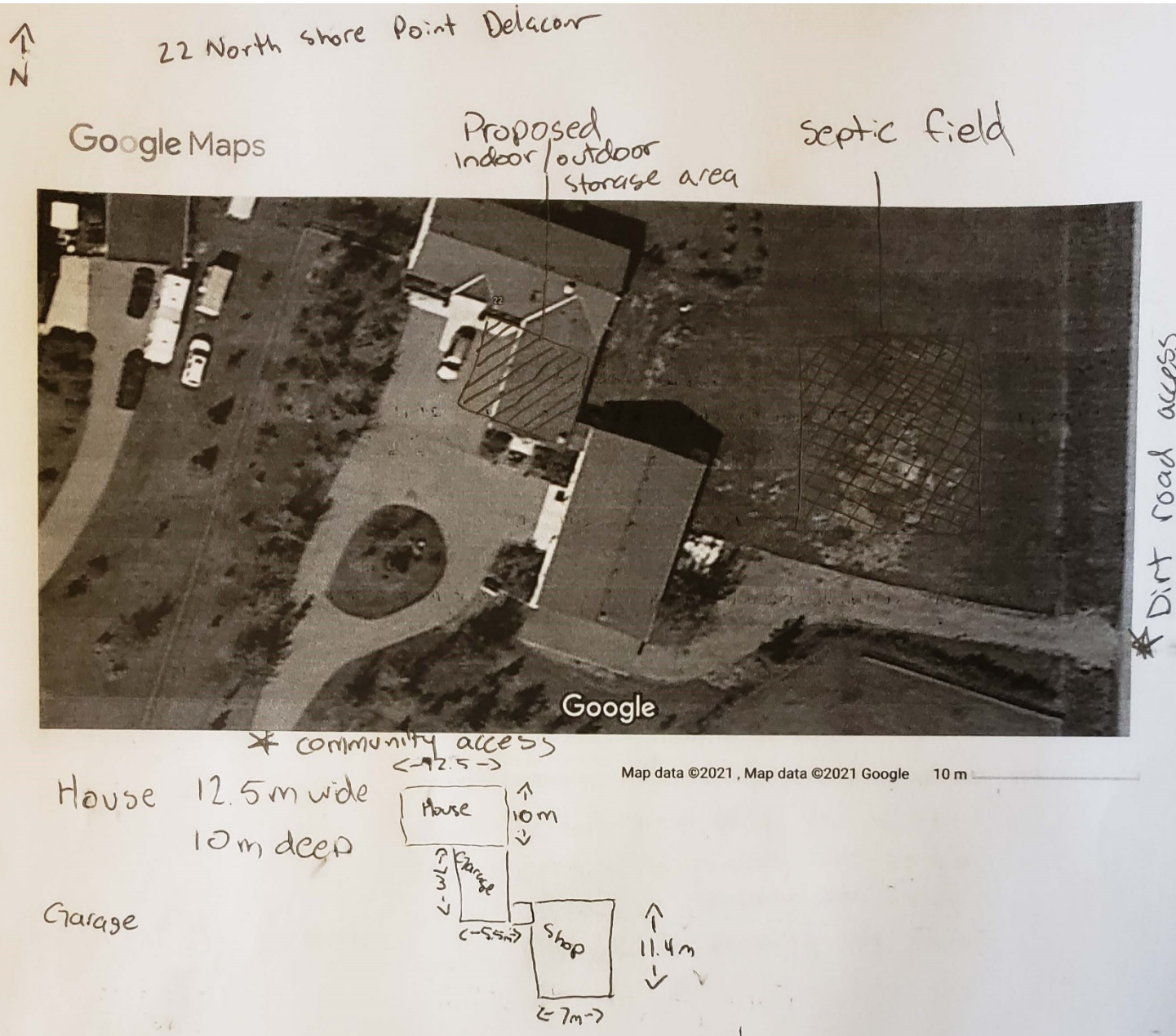
Subject parcel

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Site Plan

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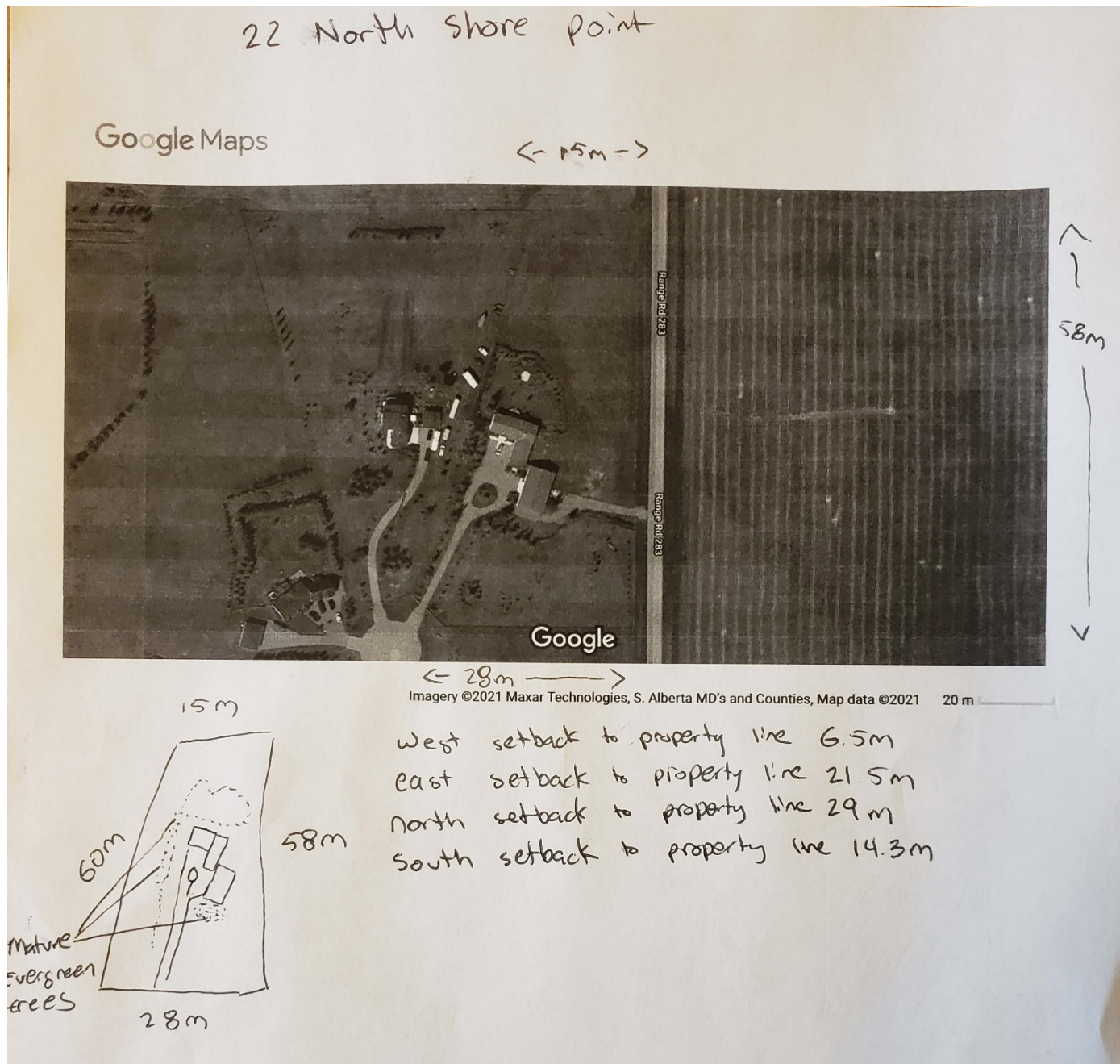


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Site Photo**Development Proposal**

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3/15/2021

Mail - Corey Mah - Outlook



Z →

East facing west

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west facing east

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