

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DATE: July 14, 2021 **DIVISION:** 2
FILE: 04709008 **APPLICATION:** PRDP20203632
SUBJECT: Home-Based Business Type II / Discretionary use, with Variances

APPLICATION: Home-Based Business Type II, for a general contractor business and relaxation of the maximum number of non-resident employees from (2) to three (3)

GENERAL LOCATION: Located approximately 0.81 kilometres (1/2 mile) east of Range Road 34 and 0.81 kilometres (1/2 mile) north of Highway 8.

LAND USE DESIGNATION: Agricultural General District (A-GEN) under Land Use Bylaw C-8000-2020 (LUB).

EXECUTIVE SUMMARY: The application is for a Home-Based Business Type II, for a general contracting company that installs piles, gates, and septic systems. This development permit application is the result of enforcement action. The business uses several existing and proposed accessory buildings and an existing outdoor storage area, 169.54 sq. m (1,824.91 sq. ft.) in footprint, which is screened by a 2.00 m (6.56 ft.) fence. The application does not meet section 145 (d) of the LUB, which states that the number of non-resident employees shall not exceed two (2) at any time. The proposal is requesting three (3) non-resident employees. Further, the proposal appears to change the residential appearance of the land and buildings and does not appear to meet the definition of a Home-Based Business, Type II. As such, Administration recommends Refusal.

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

OPTIONS:

Option #1: THAT Development Permit Application PRDP20203632 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Development Permit Application PRDP20203632 be refused for the following reasons:

1. The requested number of non-resident employees exceeds the requirements of Section 145(d) of the Land Use Bylaw C-8000-2020.

Number of non-resident employees: two (2)

Requested number of non-resident employees: three (3)

2. The proposed business changes the residential appearance of the land and buildings and does not meet the definition of a Home-Based Business, Type II
3. 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 Services

AIR PHOTO & DEVELOPMENT CONTEXT:

VARIANCE SUMMARY:

Variance	Requirement	Proposed	Percentage (%)
Number of Non-Resident Employees	Two (2)	Three (3)	50.00%

APPLICATION EVALUATION:

The application was evaluated based on the information and site plan provided and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> <i>Municipal Government Act;</i> LUB. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> None provided
PERMITTED USE: <ul style="list-style-type: none"> A Home-Based Business, Type II is a discretionary use in the Agricultural, General (A-GEN) district. 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> Municipal Planning Commission

Additional Review Considerations

The application was assessed in accordance with Sections 145 to 147 and Sections 301 to 307 of the LUB.

There are several existing and proposed accessory buildings located on the property which are used for the business. The accessory buildings appear to be non-compliant with the LUB, as multiple buildings are encroaching into the side yard setbacks. A separate Development Permit will be required to bring the property into compliance.

The application was on hold to obtain an updated site plan that was compliant with Section 146 of the LUB, Home-Based Business (Type II) Site Requirements. The updated site plan was received on June 4, 2021.



CONCLUSION:

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

BC/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Development Permit Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT 'A': DEVELOPMENT PERMIT CONDITIONS**Description:**

- 1) That a Home-Based Business, Type II, for a general contractor business, may operate on the subject parcel in accordance with the approved Site Plan, application, and conditions of this permit.
 - i) That the maximum number of non-resident employees is **relaxed from two (2) to three (3)**.

Prior to Release:

- 2) That prior to release of this permit, that the Applicant/Owner shall submit a revised site plan that identifies the location and proposed height, size, and setbacks of the proposed and existing accessory buildings and the location, screening, and size of the outside storage area. The outside storage shall be no greater than 201.93 sq. m (2,173.64 sq. ft.) and shall meet the building setback requirement and be completely screened, as per the requirements of the Land Use Bylaw and to the satisfaction of the County.
 - i) That once the screening for the outside storage area is installed, a site inspection shall be completed by the County, to confirm that the outdoor storage area is as per the revised site plan, to the satisfaction of the County.
- 3) That prior to release of this permit, the Applicant/Owner shall submit a Site-Specific Stormwater Plan (SSIP) to support the proposed development in accordance with the requirements of the County Servicing Standards.

Permanent:

- 4) That the Applicant/Owner shall adhere to the recommendations resulting from the Site-Specific Stormwater Plan (SSIP)
- 5) That an employee in this Home-Based Business is a person who attends on the property more than once in a seven (7) day period for business purposes.
- 6) That the operation of this Home-Based Business may generate up to a maximum of eight (8) business-related visits per day.
- 7) That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.
- 8) That the Home-Based Business shall not change the residential character and external appearance of the land and buildings.
- 9) That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
- 10) 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.
- 11) That the Home-Based Business shall be limited to the dwelling, accessory building, and outside storage area.
- 12) That all outside storage that is a part of the Home-Based Business, Type II shall be completely screened from adjacent lands, shall meet the minimum setback requirements for buildings, and **shall not exceed 201.93 sq. m (2,173.64 sq. ft.)**
- 13) That all vehicles, trailers, or equipment that are used in the Home-Based Business shall be kept within a building or the storage area in accordance with the approved Site Plan.



- 14) That there shall be no signage, exterior display, or advertisement of goods or services discernible from the outside of the building.
- 15) That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
- 16) That if this Development Permit is not issued by **December 31, 2021**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.
- 17) That this Development Permit, once issued, shall be valid until **August 4, 2022**.

Advisory:

- 18) That the Applicant/Owner shall ensure that legal access is maintained on-site and all easements are obtained.
- 19) That any accessory buildings that are encroaching into the minimum side yard setback requirements and are non-compliant with the County's Land Use Bylaw, shall require a Development permit, to bring the property into compliance.
- 20) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 21) That the County's Noise Bylaw C-8067-2020 shall be adhered to at all times.
- 22) That a Building Permit and sub-trade permits shall be obtained through Building Services, for the proposed or change of use permit for the existing accessory buildings, used for business operations prior to any construction or business activity taking place (if required).

**ATTACHMENT 'B': MAPS AND OTHER INFORMATION**

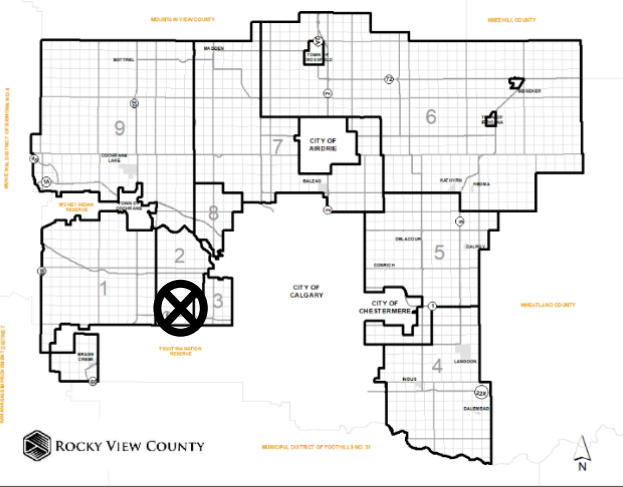
APPLICANT: Austin Bank (Calgary Screw Piles)	OWNER: Le, Lam Trung
DATE APPLICATION RECEIVED: November 11, 2020	DATE DEEMED COMPLETE: November 19, 2020
GROSS AREA: ± 2.01 hectares (± 4.99 acres)	LEGAL DESCRIPTION: NW-09-24-03-05; Lot 1 Plan 9210684
APPEAL BOARD: Subdivision and Development Appeal Board	
HISTORY: <ul style="list-style-type: none">• Aug 25, 2010: Building Permit (2010-BP-23462) Construction of a hot tub – Closed-Complete• May 05, 1994: Building Permit (1994-BP-3987) Accessory Building (Garage) – Occupancy Granted• May 15, 1992: Building Permit (1992-BP-2814) Single Family Dwelling – Occupancy Granted• There are no related planning applications• There are no related development permit applications	
PUBLIC & AGENCY SUBMISSIONS: <p>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.</p>	



Location & Context

Development Proposal

Home-Based Business
Type II, for a general
contractor business,
relaxation of the maximum
number of non-resident
employees



Division: 2
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 File: PRDP20203632
 Printed: December 10, 2020
 Legal: Lot:1 Plan:9210684;
 within NW-09-24-03-W05M

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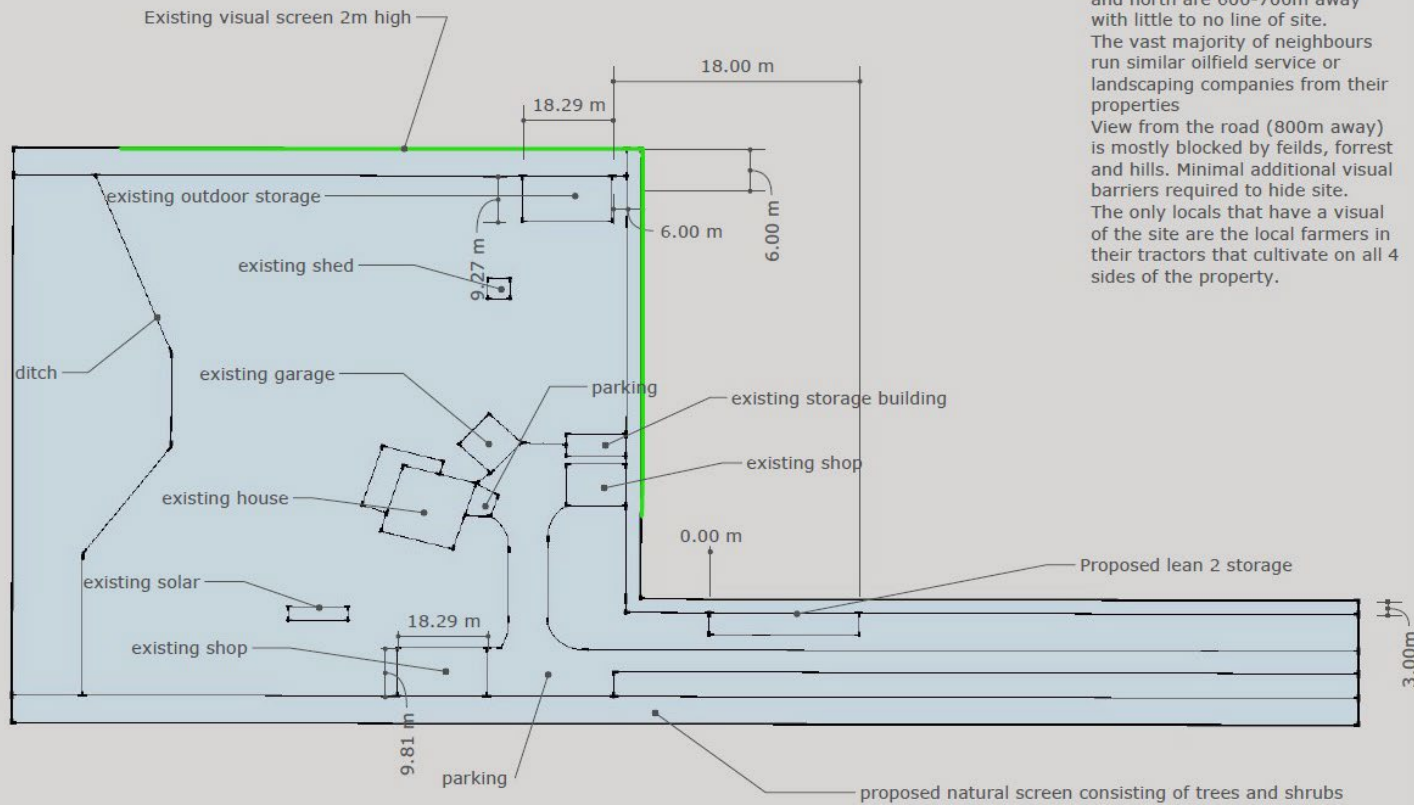


Site Plan

Development Proposal

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 employees

3 nearest dwellings east, west and north are 600-700m away with little to no line of site. The vast majority of neighbours run similar oilfield service or landscaping companies from their properties. View from the road (800m away) is mostly blocked by fields, forest and hills. Minimal additional visual barriers required to hide site. The only locals that have a visual of the site are the local farmers in their tractors that cultivate on all 4 sides of the property.



CALGARY SCREWPILES
 33130 Township Rd 241
 Calgary AB

Calgary ScrewPiles



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 within NW-09-24-03-W05M

Inspection Photos
June 24, 2021



2021.06.24 13:50

Inspection Photos
June 24, 2021



2021.06.24 13:53

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