

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DATE: July 28, 2021 **DIVISION:** 9
FILE: 06708012 **APPLICATION:** PRDP20212083
SUBJECT: Home-Based Business (Type II) / Discretionary use, with no Variances

APPLICATION: Home-Based Business (Type II), for a construction and outside storage business

GENERAL LOCATION: Located approximately 0.80 km (1/2 mile) south of Township Road 262 and on the west side of Glendale Road.

LAND USE DESIGNATION: Residential, Rural District (R-RUR)

EXECUTIVE SUMMARY: The application is for a Home-Based Business, Type II, for a construction and outdoor storage company. This development permit application is the result of enforcement action. The business uses a laydown storage area, approximately 161.65 sq. m (1,740.00 sq. ft.) in footprint, to store materials, small equipment, and a trailer, which is completely screened by a 1.82 m (6.00 ft.) tall wooden fence. The business operates Monday to Saturday, 8:00 AM to 6:00 PM. There are four (4) employees, two (2) of which are non-resident. Approximately three to four business-related vehicle visits are anticipated per week. The application appears to comply with all Home-Based Business (Type II) requirements.

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

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20212083 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20212083 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Bronwyn Culham, Planning and Development Services

APPLICATION EVALUATION:

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

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| APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none">• <i>Municipal Government Act</i>;• Bears paw Area Structure Plan; and• Land Use Bylaw (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 Residential, Rural (R-RUR) 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 315 to 323 of the LUB.

The site is developed with a dwelling, single-detached and several existing accessory buildings including sea can containers, a greenhouse, and a lean-to structure located on the property. The dwelling and accessory buildings appear to be non-compliant with the LUB, as multiple buildings are encroaching into the rear and side yard setbacks. A separate Development Permit will be required to bring the property into compliance.

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 construction and outdoor storage business, may operate on the subject parcel in accordance with the approved Site Plan, application, and conditions of this permit.

Prior to Release:

- 2) That prior to release of this permit, that the Applicant/Owner shall install the proposed outside storage area screening in accordance with the approved site plan.
 - i) 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 screened in accordance with the approved site plan, to the satisfaction of the County.

Permanent:

- 3) 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.
- 4) That the operation of this Home-Based Business may generate up to a maximum of four (4) business-related visits per day.
- 5) That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.
- 6) That the Home-Based Business shall not change the residential character and external appearance of the land and buildings.
- 7) That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
- 8) 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.
- 9) That the Home-Based Business shall be limited to the dwelling, accessory building, and outside storage area.
- 10) 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 1,740.00 sq. ft. (161.65 sq. m)**
- 11) 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.
- 12) That there shall be no signage, exterior display, or advertisement of goods or services discernible from the outside of the building.
- 13) That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
- 14) That if this Development Permit is not issued by **February 28, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.
- 15) That this Development Permit, once issued, shall be valid until **August 25, 2022**.

Advisory:

- 16) That the applicant/owner shall ensure that post-development drainage does not exceed pre-development drainage and there are no stormwater implications to neighboring property due to proposed development.



- 17) That the applicant/owner shall implement appropriate ESC measures during the construction of the proposed development in accordance with County's servicing standards.
- 18) That any buildings that are encroaching into the minimum setback requirements and are non-compliant with the County's Land Use Bylaw shall require a Development permit, to bring the property into compliance.
- 19) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 20) That the County's Noise Bylaw C-8067-2020 shall be adhered to at all times.
- 21) 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

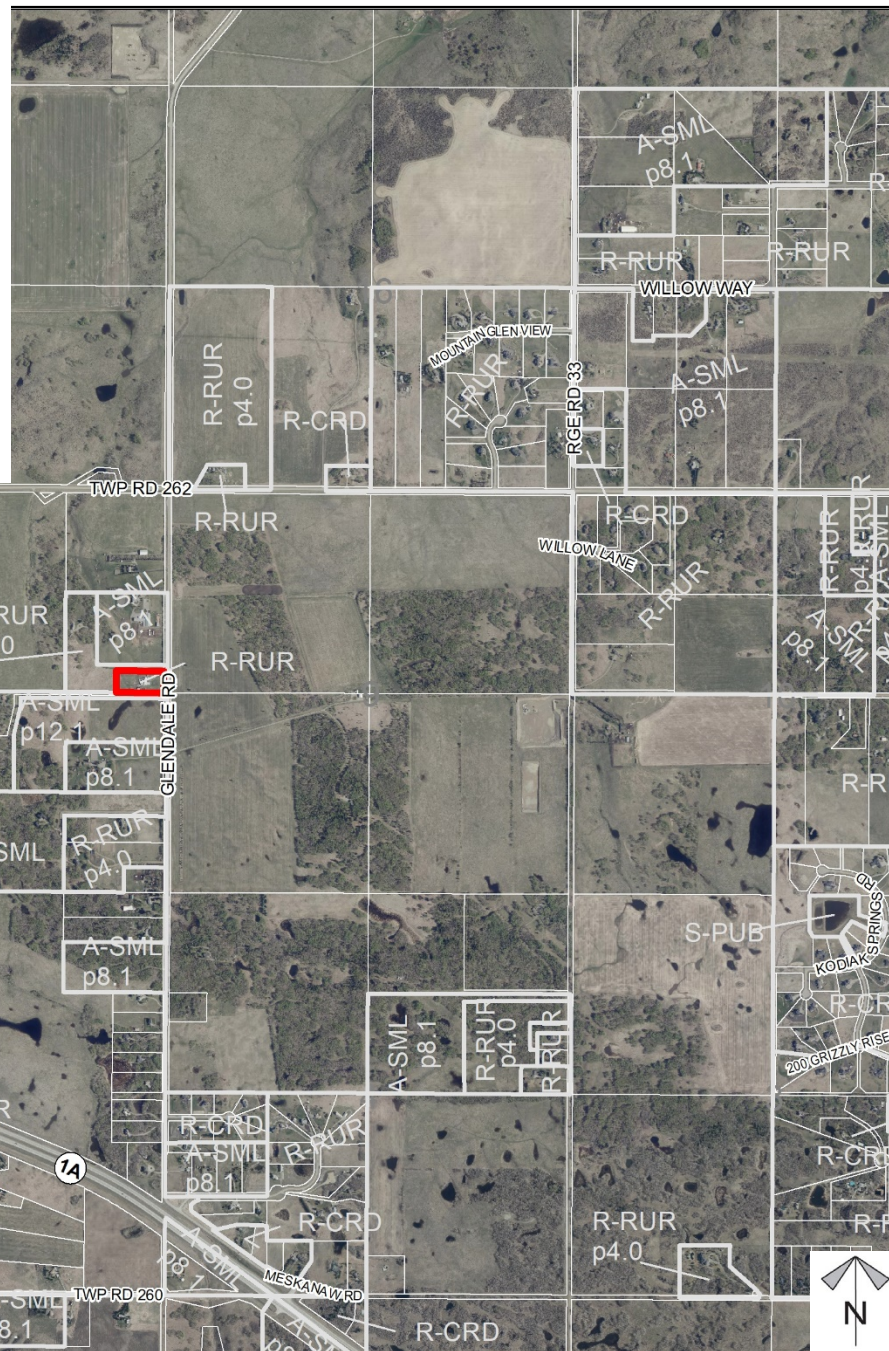
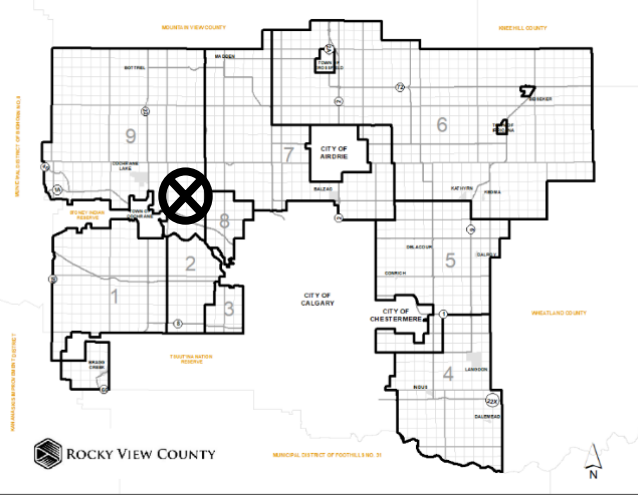
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| APPLICANT: Matt Machula (ML Holdings Ltd.) | OWNER: TD Canada TrustMachula, Mateusz R. & Lisa J. |
| DATE APPLICATION RECEIVED: May 10, 2021 | DATE DEEMED COMPLETE: June 11, 2021 |
| GROSS AREA: ± 1.61 hectares (± 4.00 acres) | LEGAL DESCRIPTION: Lot 3 Block 1 Plan 0815496, NE-08-26-03-05; (261141 GLENDALE ROAD) |
| APPEAL BOARD: Subdivision and Development Appeal Board | |
| HISTORY: <p>Feb 08, 2016: Building Permit (PRBD20160400) As Built Wood Burning Fireplace – PSR – in Compliance</p> <p>Dec 11, 2015: Building Permit (PRBD20154944) Seacan Accessory building – PSR – in Compliance</p> <p>Apr 15, 2010: Building Permit (2010-BP-22882) Single Family Dwelling – PSR – Not in Compliance</p> <ul style="list-style-type: none"> • 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
construction and outside
storage business

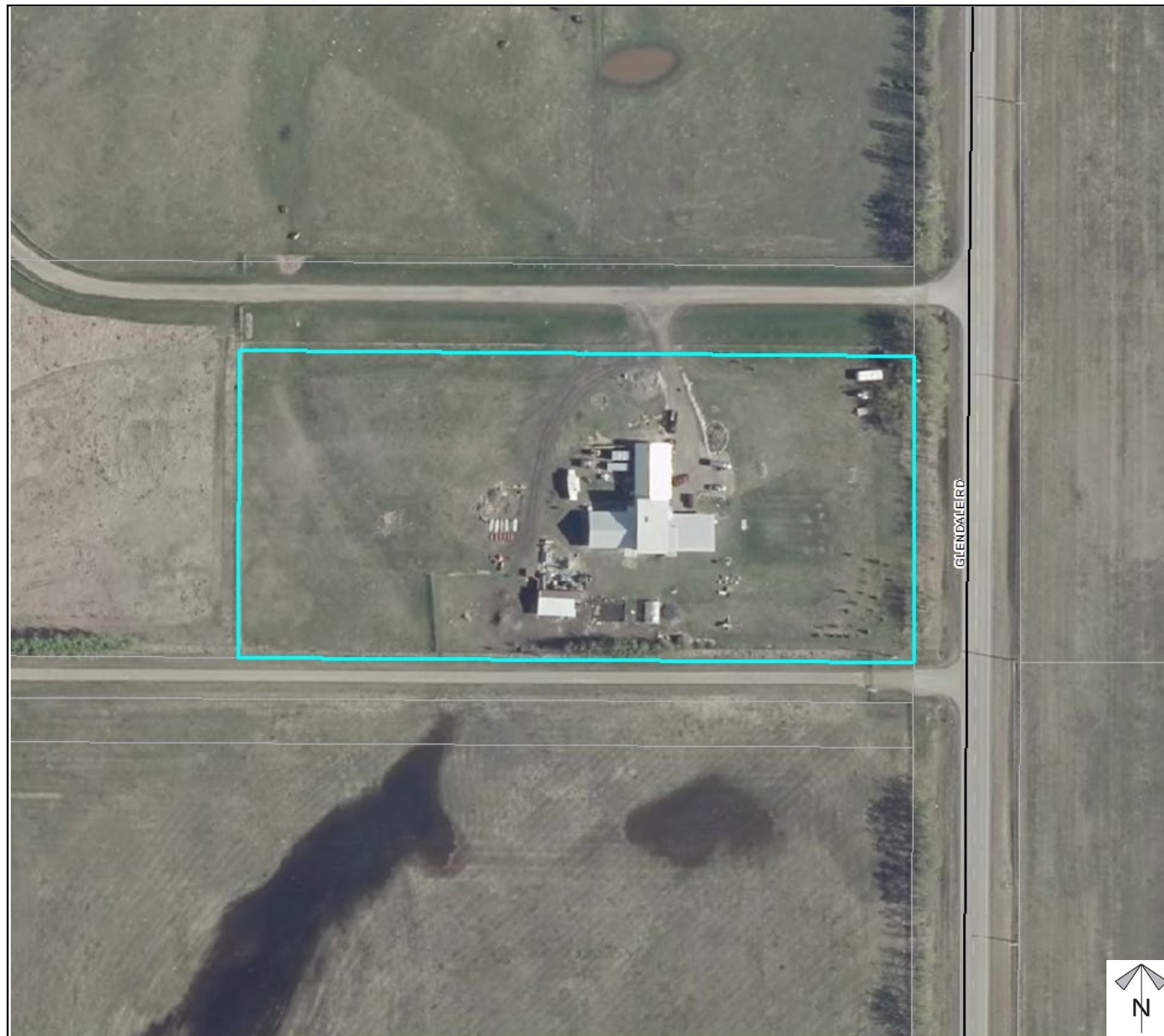


Division: 9
 Roll: 06708012
 File: PRDP20212083
 Printed: June 21, 2021
 Legal: Lot:3 Block:1
 Plan:0815496 within NE-08-
 26-03-W05M

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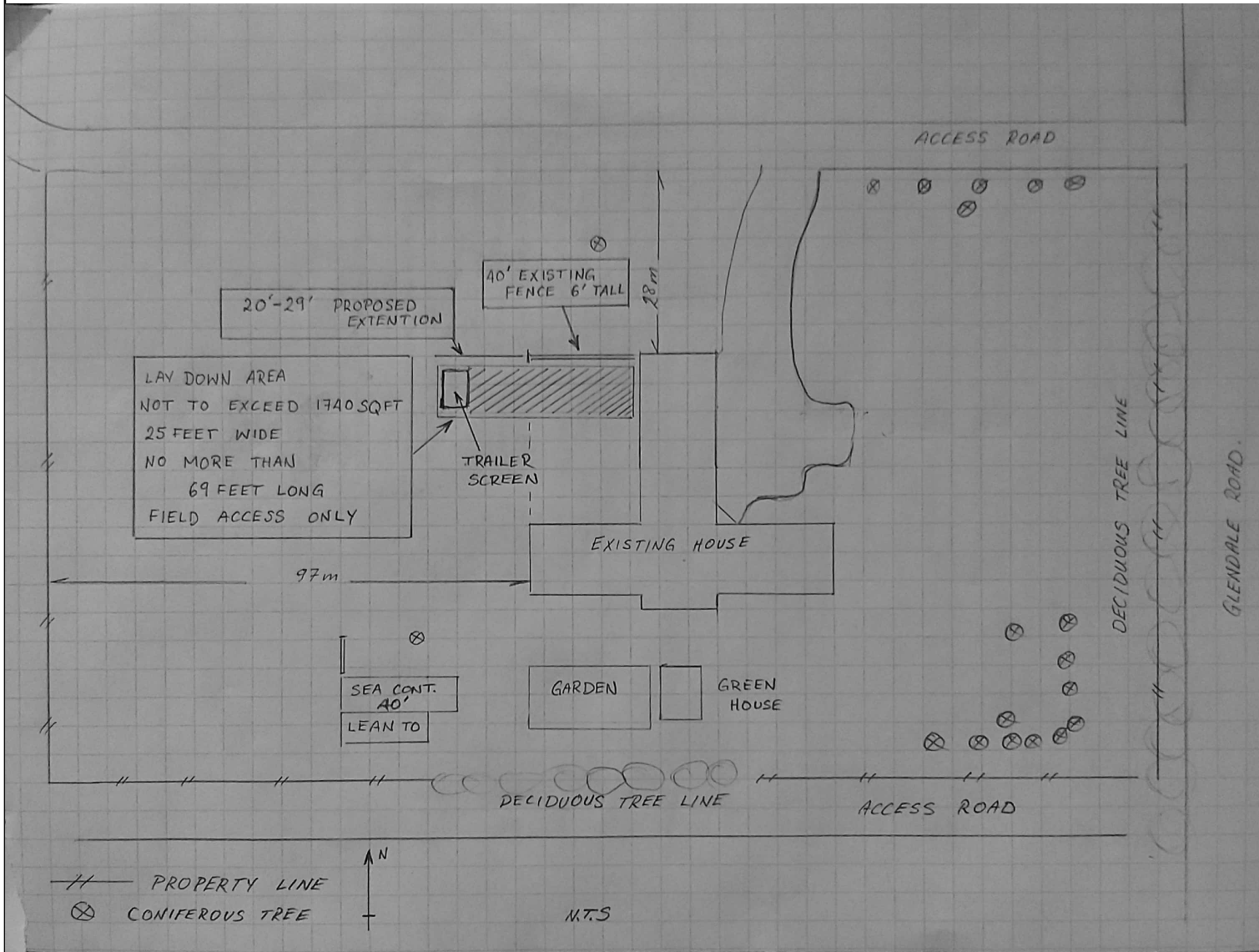


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Site Plan

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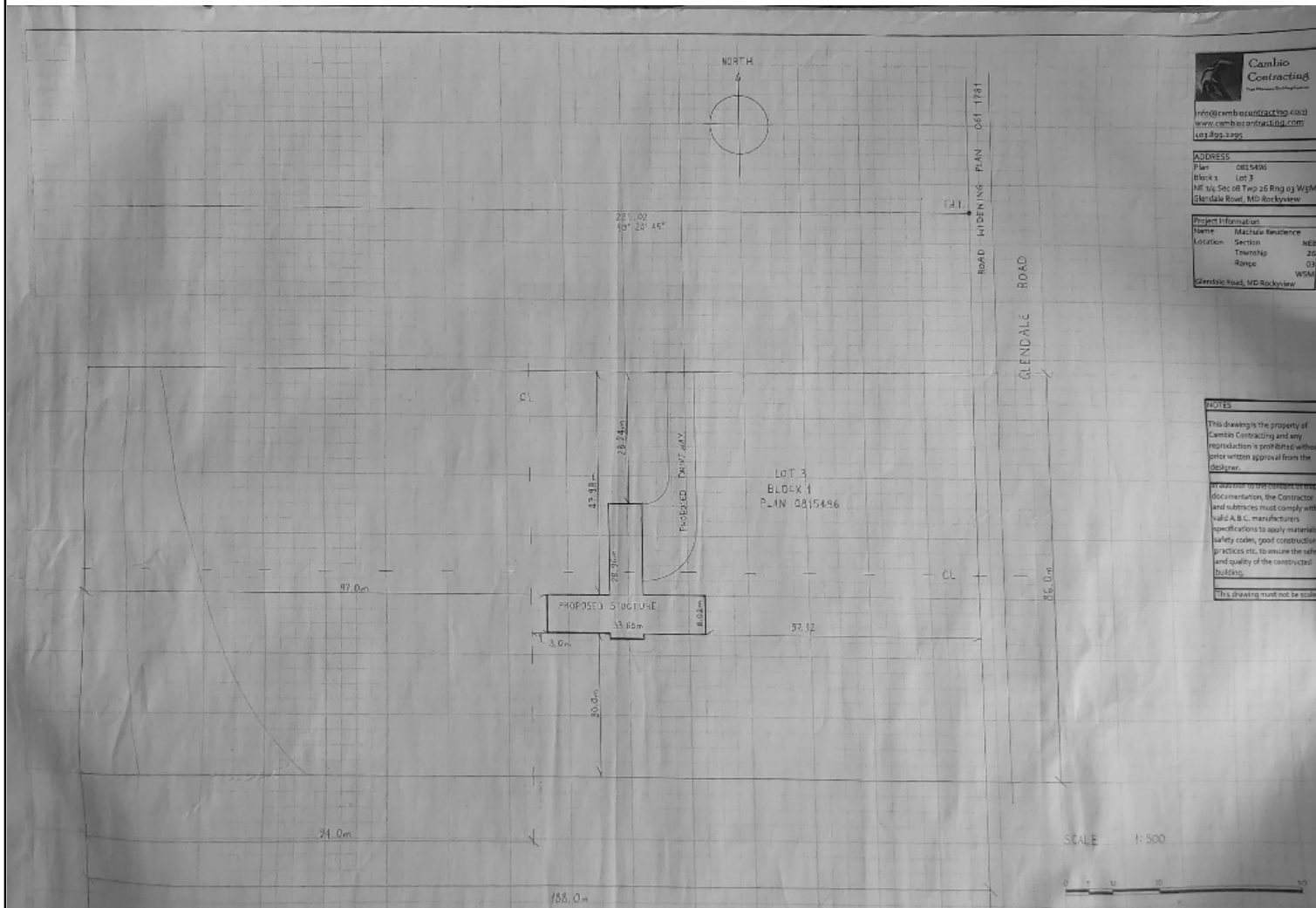
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Cambio Contracting
 info@cambiocontracting.com
 www.cambiocontracting.com
 407.899.2999

ADDRESS
 Plan 0815496
 Block 1 Lot 3
 NE 1/4 Sec 08 Two 25 Ring 03 W3M
 Glendale Road, MD Rockyview

Project Information
 Name Machine Residence
 Location Section NE03
 Township 20
 Range 03
 W3M
 Glendale Road, MD Rockyview

NOTES
 This drawing is the property of Cambio Contracting and any reproduction is prohibited without prior written approval from the Designer.
 In accordance with the provisions of this documentation, the Contractor and subcontractors must comply with valid A.B.C. manufacturers specifications to apply materials, safety codes, good construction practices etc. to ensure the safety and quality of the constructed building.
 This drawing must not be scaled

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Inspection Photos
July 19, 2021

E-3
Page 14 of 14

