



PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DATE: September 15, 2021 **DIVISION:** 2
FILE: 04735027 **APPLICATION:** PRDP20213143
SUBJECT: Home-Based Business Type I / Permitted use, with Variances

APPLICATION: a Home-Based Business, Type I, for a woodworking business, relaxation of the maximum number of non-resident employees and relaxation of the allowance of the use of an accessory building.

GENERAL LOCATION: Located at the southwest junction of Township Road 250 and Range Road 31A.

LAND USE DESIGNATION: Residential, Country Residential District (R-CRD), under Land Use Bylaw C-8000-2020 (LUB)

EXECUTIVE SUMMARY: The Applicant is proposing to operate a Home-Based Business, Type I, for a woodworking business. This application is the result of enforcement action. The Applicant uses an approved accessory building (oversize workshop) approximately 241.92 sq. m (2,604.00) in size, for the business. The business operates Monday to Friday, 8:00 a.m. to 5:00 p.m. and the Applicant anticipates 3-5 business-related vehicle visits per week. Currently, there is one permanent resident employee however, in the future the Applicant is requesting one non-permanent resident employee. The application does not meet section 142 (b) of the LUB, which states that the business shall have no employees that are not permanent residents of the dwelling. In addition, Home-Based Business Type I requirements state that the business shall be conducted in a principal building. The Applicant is requesting a relaxation to allow the use of the accessory building (oversize workshop) for the business. Further, the proposal does not appear to meet the definition of a Home-Based Business, Type I. As such, Administration recommends Refusal.

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

OPTIONS:

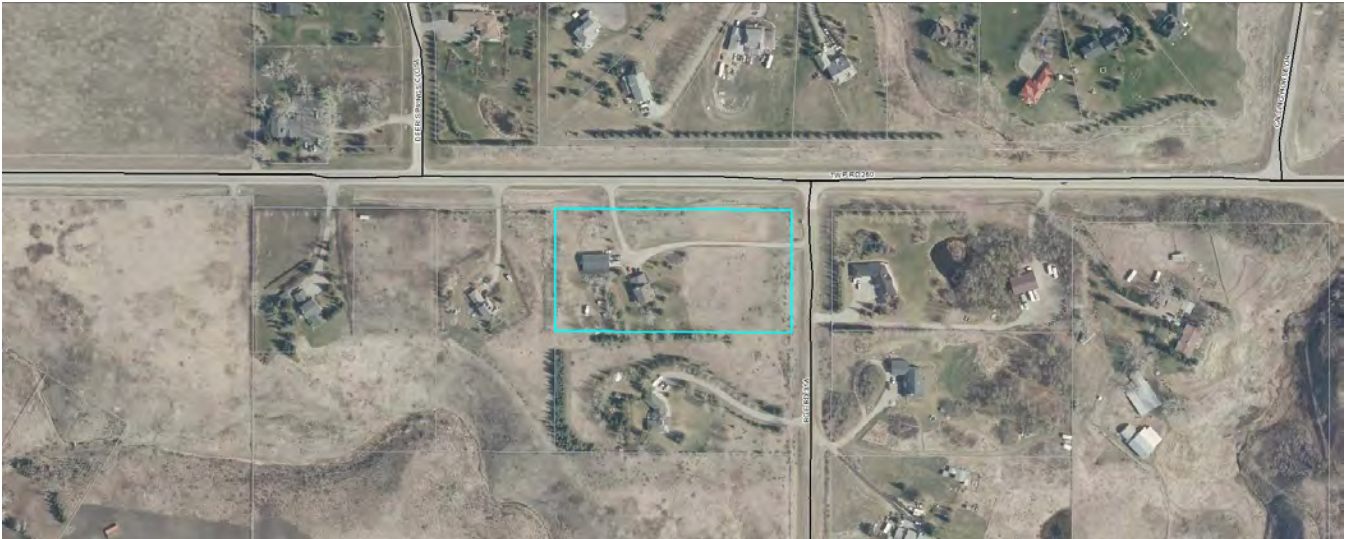
- Option #1: THAT Development Permit Application PRDP20213143 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20213143 be refused for the following reasons:
1. The proposed business does not meet the requirements of a Home-Based Business Type I, as specified in Section 142(a) of the Land Use Bylaw C-8000-2020.
 2. The requested number of non-resident employees exceeds the requirements of Section 142(b) of the Land Use Bylaw C-8000-2020.
 - **Number of non-permanent resident employees: Zero**
 - **Requested number of non-permanent resident employees: One (1)**

Administration Resources

Bronwyn Culham, Planning and Development Services

3. The proposed business does not appear to meet the definition of a Home-Based Business, Type I
4. 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.

AIR PHOTO & DEVELOPMENT CONTEXT:



VARIANCE SUMMARY:

Variance	Requirement	Proposed	Percentage (%)
Section 142(a) LUB General Requirements	Home-Based Business (Type I) are an accessory use of a principal dwelling	Allowance of the use of an accessory building (workshop)	N/A
Section 142(b) LUB General Requirements	Home-Based Business (Type I) shall have no employees that are not permanent residents of the dwelling	One (1) Non-Permanent Resident Employee	100.00%

APPLICATION EVALUATION:

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

<p>APPLICABLE POLICY AND REGULATIONS:</p> <ul style="list-style-type: none"> <i>Municipal Government Act;</i> City of Calgary Intermunicipal Development Plan; Central Springbank Area Structure Plan; and Land Use Bylaw C-8000-2020 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> None provided
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PERMITTED USE: <ul style="list-style-type: none">• A Home-Based Business, Type I is a permitted use in the Residential, Country Residential District (R-CRD)	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none">• Municipal Planning Commission
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Additional Review Considerations

The application was assessed in accordance with Sections 142 to 144 and Sections 322 to 330 of the LUB.

Home-Based Business (Type I) is defined in the LUB as follows:

“Home-Based Business (Type I)” means a use where business is conducted in a Principal Building with limited weekly visits and employees that reside in the Principal Building. Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and buildings.

A Development Permit, 2013-DP-15573, was issued on March 06, 2014, for the construction of an accessory building (oversize workshop) and relaxation of the minimum front yard setback requirement, therefore the accessory building is compliant.

CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

BC/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Development Permit Report Conditions
ATTACHMENT ‘B’: Maps and Other Information

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

- 1) That a Home-Based Business, Type I, for a woodworking 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-permanent resident employees is **relaxed from zero to one (1)**.
 - ii) That the proposed use of the accessory building for business purposes is permitted.

Permanent:

- 2) That there shall be no more than one (1) non-resident employee at any time.
 - i) 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
- 3) That the operation of this Home-Based Business shall be limited to the *accessory use* of a *dwelling* and the *accessory building*.
- 4) That the Home-Based Business 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 resident 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.
- 7) That there shall be no outside storage of goods, materials, commodities, or finished products.
- 8) That all personal vehicles, trailers, or equipment that are used in the Home-Based Business shall be kept within a building or driveway area.
- 9) That there shall be no signs that describe the Home-Based Business or encourage drop-in business-related traffic.
- 10) That no off-site advertisement signage associated with the Home-Based Business shall be permitted
- 11) That this Development Permit shall be valid until **October 13, 2022**.

Advisory:

- 12) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 13) That the County's Noise Bylaw (C-8067-2020) shall be adhered to at all times.

ATTACHMENT 'B': MAPS AND OTHER INFORMATION

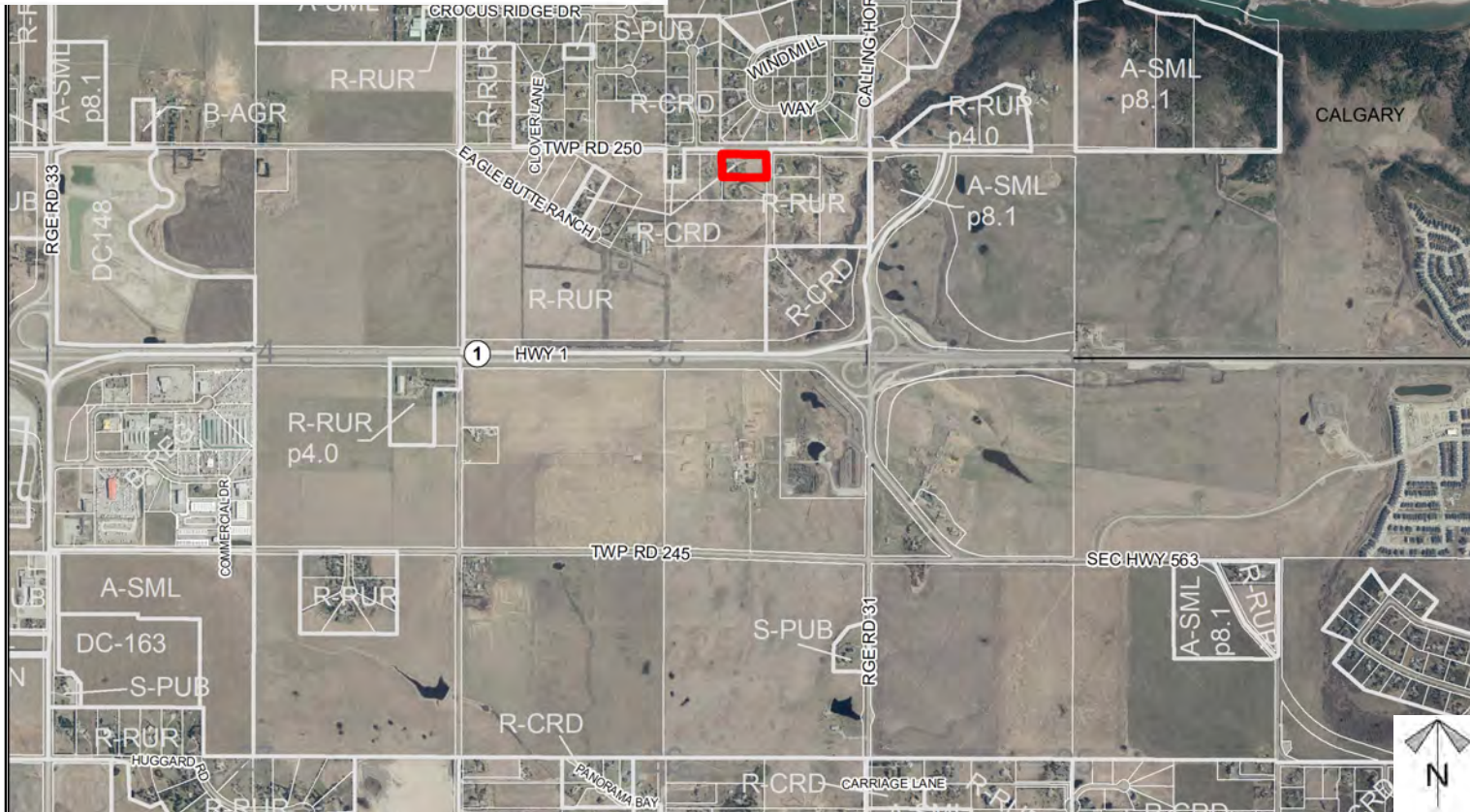
APPLICANT: Radivojevic, Slobodan & Smilja	OWNER: Radivojevic, Slobodan & Smilja
DATE APPLICATION RECEIVED: July 17, 2021	DATE DEEMED COMPLETE: August 5, 2021
GROSS AREA: ± 1.61 hectares (± 4.00 acres)	LEGAL DESCRIPTION: Lot 5 Plan 8810395, NE-35-24-03-05; (245249 RGE RD 31A)
APPEAL BOARD: Subdivision and Development Appeal Board	
HISTORY: <u>Planning</u> December 20, 2007: Planning Application (2007535) – Subdivision - To create a >= 2 acre parcel with a >= 2 acre remainder - Closed - Expired December 20, 2007: Planning Application (2007534) – Redesignation - To redesignate the subject lands from Residential Two District to Residential One District to create a >= 2 acre parcel with a >= 2 acre remainder - Closed – Approved <u>Building</u> Oct 27, 2014: Building Permit (PRBD20144102) Addition to Accessory Building - PSR - in Compliance Oct 18, 2006: Building Permit (2006-BP-19735) Construct an Accessory Building - Closed-Complete Mar 27, 1990: Building Permit (1990-BP-1540) Construct a Single Family Residence - Occupancy Granted <u>Development</u> October 18, 2006: Development Permit (2006-DP-12222) Construction of an accessory building (garage), relaxation of the minimum side yard setback requirement – Closed Complete March 06, 2014: Development Permit (2013-DP-15573) construction of an accessory building (oversize workshop), relaxation of the minimum front yard setback requirement (extension of DP #12222)	
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.	



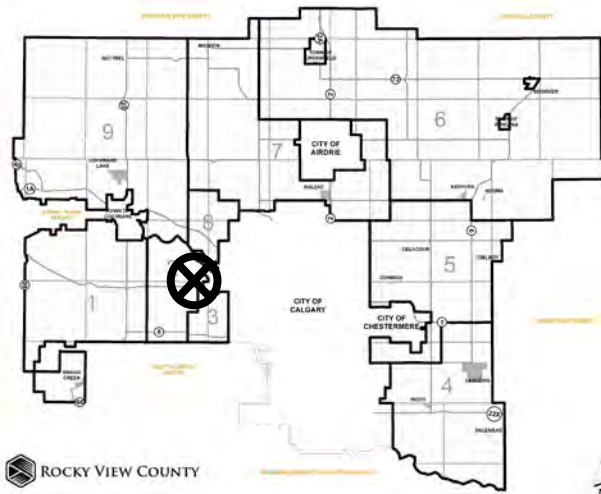
Location & Context

Development Proposal

Home-Based Business (Type I), for a woodworking business, relaxation of the maximum number of non-resident employees and relaxation of the allowance of the use of the accessory building



Division: 2
Roll: 04735027
File: PRDP20213143
Printed: Aug 23, 2021
Legal: Lot:5 Plan:8810395
within NE-35-24-03-W05M



ROCKY VIEW COUNTY



Location & Context

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Site Plan



Site Plan

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Inspection Photos
September 2, 2021



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