

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DATE: January 13, 2021 **DIVISION:** 2
FILE: 04709008 **APPLICATION:** PRDP20203632
SUBJECT: Home-Based Business Type II / Discretionary use, with Variances

APPLICATION: a Home-Based Business Type II, for a general contractor business, relaxation of the maximum number of non-resident employees from (2) to three (3) and the maximum amount of outdoor storage from 201.93 sq. m (2,173.64 sq. ft.) to 278.70 sq. m (3,000.00 sq. ft.).

GENERAL LOCATION: Located approximately 0.81 km (1/2 mile) east of Rge. Rd. 34 and 0.81 km (1/2 mile) north of Hwy 8.

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

EXECUTIVE SUMMARY: The Home-Based Business Type II, Calgary Screw Piles, installs piles, gates, and septic systems. The development permit application is based on an enforcement issue. The application is requesting two relaxations to the Home-Based Business, Type II regulations in the Land Use Bylaw (C-8000-2020). Specifically, the proposal exceeds the maximum permitted number of non-resident employees and the maximum area for outdoor storage.

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

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 request exceeds the maximum area of outdoor storage of Section 146(a) of the Land Use Bylaw C-8000-2020.

Maximum outdoor storage area (1% of the parcel area):

201.93 sq. m (2,173.64 sq. ft.)

Requested outdoor storage area: 278.70 sq. m (3,000.00 sq. ft.)

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%
Outdoor Storage Area (1% of the parcel area)	201.93 sq. m (2,173.64 sq. ft.)	278.70 sq. m (3,000.00 sq. ft.)	38.66%

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> Land Use Bylaw C-8000-2020. 	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

There were no technical considerations that warranted additional discussion or conditioning.



CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

Executive Director
Community Development Services

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).**
 - ii) That the maximum permitted amount of outdoor storage is **relaxed from 201.93 sq. m (2,173.64 sq. ft.) to 278.70 sq. m (3,000.00 sq. ft.)**

Prior to Issuance:

- 2) That prior to issuance 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 accessory building and the location, screening, and size of the outside storage area. The outside storage shall be no greater than 278.70 sq. m (3,000.00 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 issuance of this permit, the Applicant/Owner shall enter into a Road Construction Agreement with the County, to upgrade the access road (approximately 800 m in total length) to Regional Low Volume Standard as well as construct other required road infrastructure (i.e. road approaches, a cul-de-sac at the termination point of the road, etc.), in accordance with the County's Servicing Standards.
- 4) That prior to issuance of this permit, the Applicant/Owner shall submit a Storm Water Memo, conducted and stamped by a professional engineer, that demonstrates that the proposed development will not have any negative impacts to drainage conditions and is in accordance with the Report on Drainage Strategies in Springbank and the County Servicing Standards.

Permanent:

- 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.



ROCKY VIEW COUNTY

- 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 278.70 sq. m (3,000.00 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 **AUGUST 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 **February 10, 2022**.

Advisory:

- 18) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 19) That the County's Noise Bylaw C-5772-2003 shall be adhered to at all times.
- 20) That a Building Permit and sub-trade permits shall be obtained through Building Services, prior to any construction taking place (if required).



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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>	



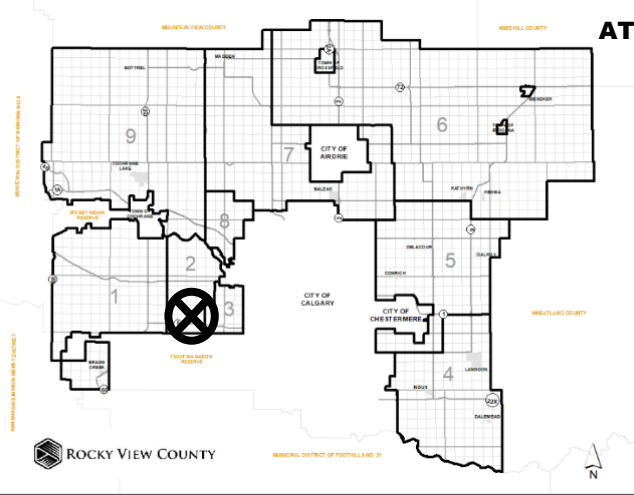
Location & Context

Development Proposal

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

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

ATTACHMENT 'B': MAPS AND OTHER INFORMATION

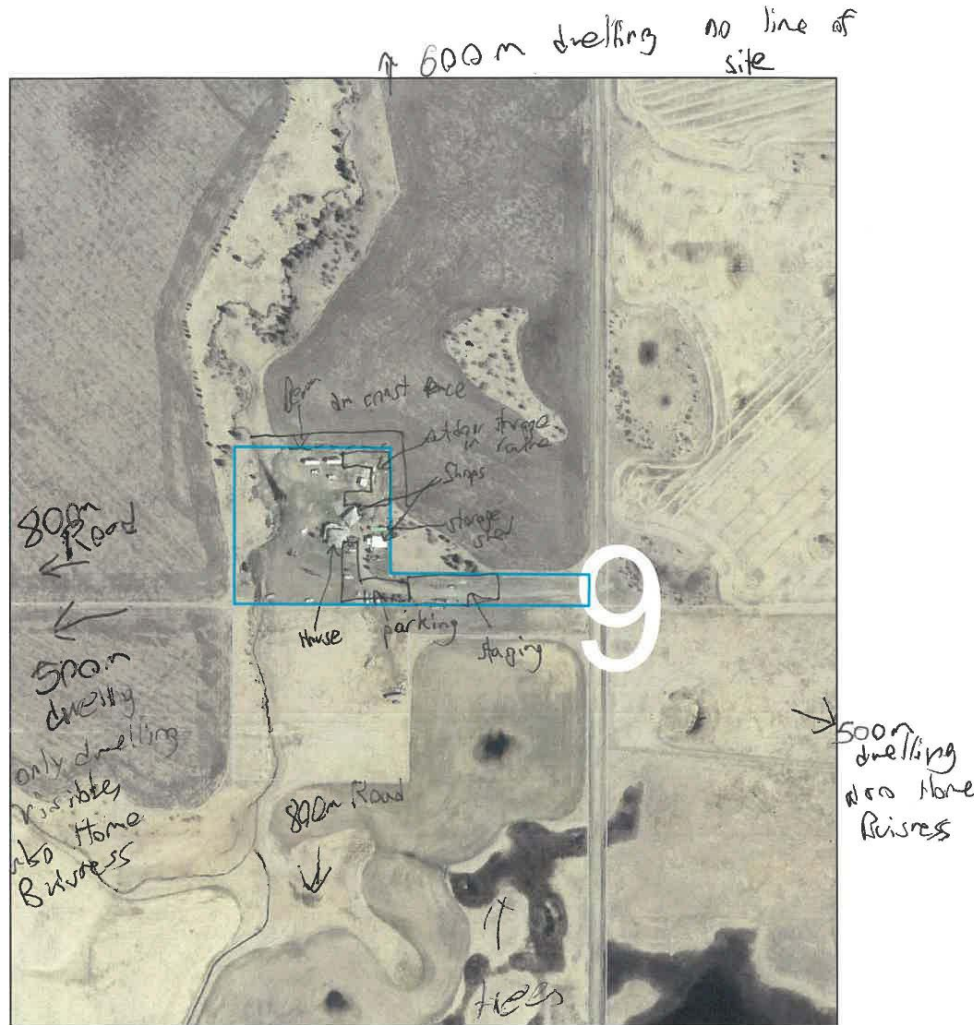




Site Plan

Development Proposal

Home-Based Business
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employees and the
maximum amount of
outdoor storage



property barely visible from road or neighbours. additional screening would have little to no impact.

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