

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Development Authority
DIVISION: 5

DATE: January 27, 2021
APPLICATION: PRDP20203739

FILE: 05335032

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

APPLICATION: a Home-Based Business Type II, for a tow truck business and relaxation of allowable use.

GENERAL LOCATION: located approximately on the east side of Rge. Rd. 282 and 0.81 km (1/2 mile) south of Twp. Rd 260.

LAND USE DESIGNATION: Agricultural, Small Parcel District (A-SML) under Land Use Bylaw C-8000-2020.

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

EXECUTIVE SUMMARY: The Applicant is proposing to operate an automotive tow truck home-based business, God Light Towing Ltd., from the parcel. The business would operate seven (7) days a week (8:00 am – 6:00 pm) with anticipated five to seven (5-7) business-related visits per day and forty (40) per week. The application states that there are four (4) full time employees, (2) part-time employees and two (2) non-resident employees. The Applicant is requesting 400.00 sq. m. (4,305.56 sq. ft.) of outside storage which would be screened by an existing 2.00 m (6.56 ft.) high wood fence. In addition, a 464.51 sq. m (5,000.00 sq. ft.) accessory building which is a permitted use in the Agricultural, Small Parcel District (A-SML), is being proposed and would provide additional support for screening.

OPTIONS:

Option #1: THAT Development Permit Application PRDP20203739 be approved with the conditions noted in Attachment 'A'.

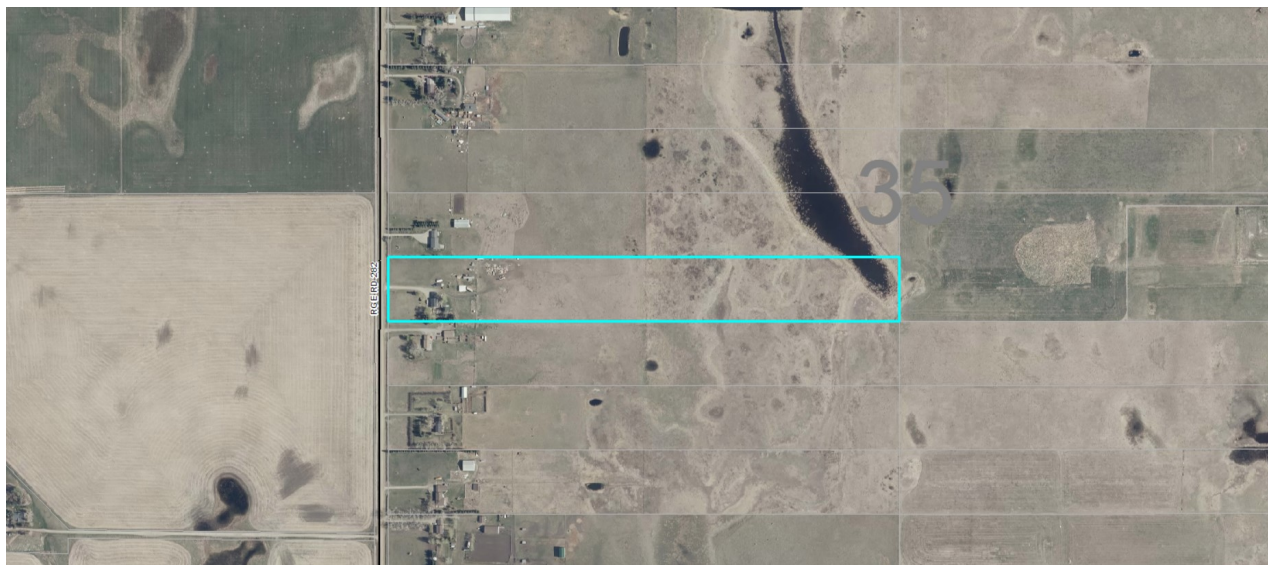
Option #2: THAT Development Permit Application PRDP20203739 be refused for the following reasons:

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

Bronwyn Culham, Planning and Development

AIR PHOTO & DEVELOPMENT CONTEXT:



VARIANCE SUMMARY:

Variance	Requirement	Proposed	Percentage (%)
Section 145 (f) Home-Based Business (Type II) General Requirements	Retail, restaurants, and automotive related businesses shall not be permitted as a Home-Based Business (Type II).	Allowance of an automotive related Home-Based Business (Type II)	N/A

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"> Land Use Bylaw C-8000-2020 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> Site Plan prepared by Innovative Design & Build Inc.
DISCRETIONARY USE: <ul style="list-style-type: none"> Home-Based Business, Type II is listed as a Discretionary use. 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> Municipal Planning Commission

Additional Review Considerations

Section 145 (f) of the Land Use Bylaw states that automotive related businesses shall not be permitted as a Home-Based Business, Type II. Other than the automotive use, the home-based business would be compliant with Sections 145 and 146 Home-Based Business (Type II) General and Site Requirements.



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CONCLUSION:

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

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



ROCKY VIEW COUNTY

ATTACHMENT 'A': DEVELOPMENT PERMIT CONDITIONS

Option #1:

APPROVAL, subject to the following conditions

Description:

1. That a Home-Based Business, Type II, for an automotive tow truck business may commence to operate on the subject parcel in accordance with the approved site plan and conditions of this permit.
 - a. 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.
 - a. That an employee in this home-based business is a person who attends the property more than once in a seven (7) day period for business purposes.
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-Base 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, its accessory buildings and outside storage area.
8. That all vehicles, trailers, or equipment that are used in the Home-Based Business shall be kept within a building or the storage area.
9. That all outside storage that is a part of the Home-Based Business, Type II shall be completely visually screened from adjacent lands, including the existing 2.00 m (6.56 ft.) fencing, shall meet the minimum setback requirements for buildings, and shall not exceed **400.00 sq. m (4,305.56 sq. ft.)**, in accordance with the approved Site Plan.
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 between the hours of 10:00 pm and 7:00 am, there shall be no truck idling or truck traffic entering or leaving the subject property associated with the home-based business.
13. 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.
 - a. That a business-related visit per day includes site entry/site exit per vehicle.



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Advisory:

14. That the Home-Based Business, Type II, shall adhere to the County's Noise Bylaw (C-5772-2003) at all times.
15. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
16. That this Development Permit shall be valid until **February 24, 2022**.



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ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Innovative Design & Build Inc.	OWNER: Warring, Balkaran Singh
DATE APPLICATION RECEIVED: November 19, 2020	DATE DEEMED COMPLETE: November 19, 2020
GROSS AREA: ± 8.04 hectares (±19.89 acres)	LEGAL DESCRIPTION: SW-35-25-28-04 Lot 2, Block 7, Plan 9410469 (255104 Range Road 282)
APPEAL BOARD: Subdivision and Development Appeal Board	
HISTORY: July 3, 2019: Development Permit, PRDP20190347, renewal of a Hobby Kennel (5 dogs) – Closed Approved February 7, 2018: Development Permit, PRDP20175272, hobby kennel (five dogs) – Closed – Renewal Application	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	

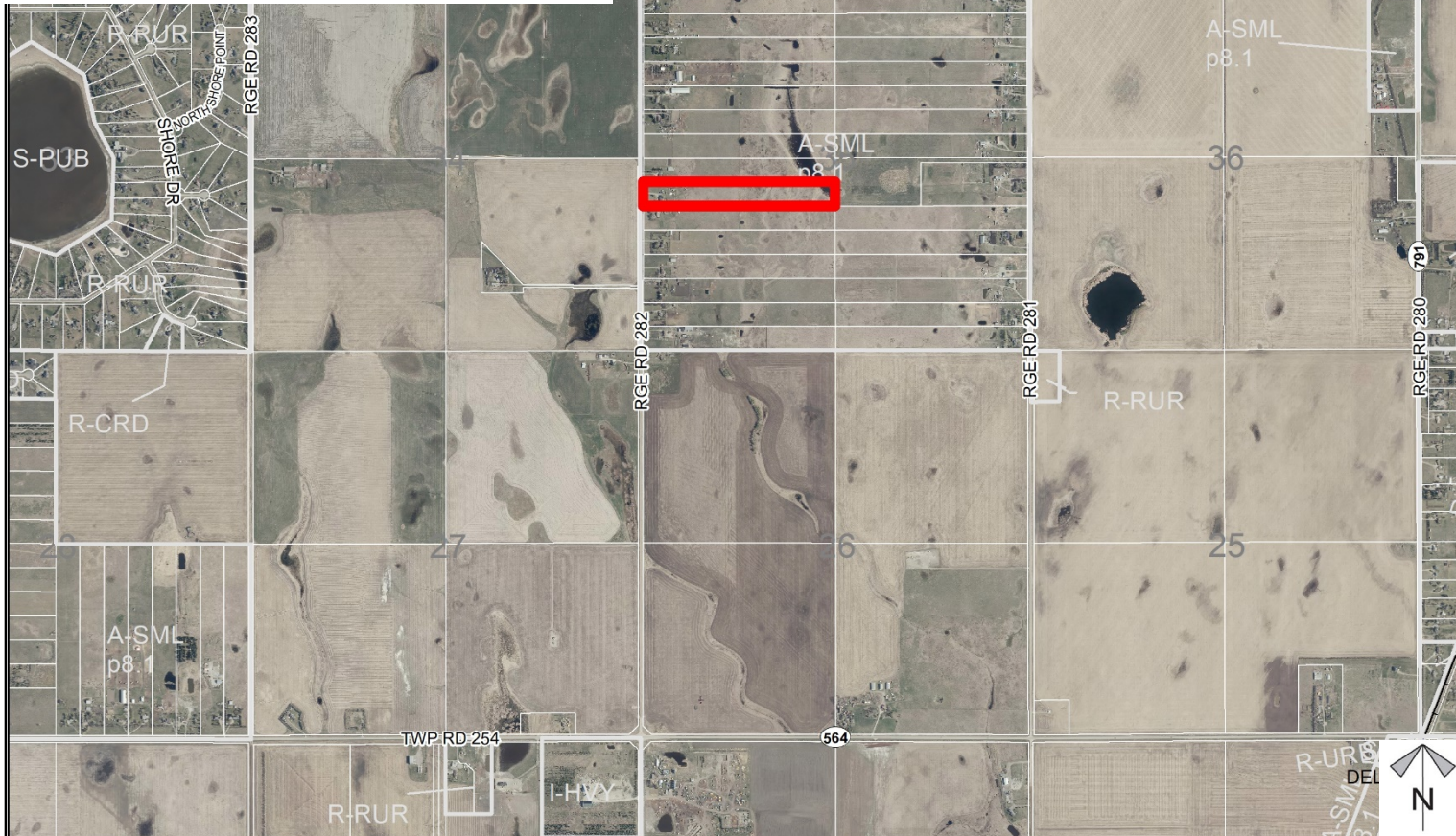
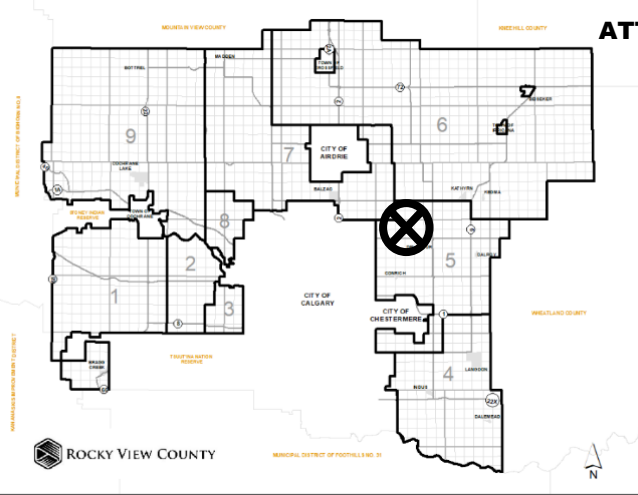


Location & Context

Development Proposal

Home-Based Business
Type II, for a tow truck
business and relaxation of
allowable use.

ATTACHMENT 'B': MAPS AND OTHER INFORMATION



Division: 05
Roll: 05335032
File: PRDP20203739
Printed: Jan 11, 2021
Legal: Lot:2 Block:7
Plan:9410469 within SW-35-
25-28-W04M

Site Plan

Development Proposal

Home-Based Business
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Legend:

Fence- - - - -

Future Shop- ■

Outdoor Storage Area ■

Driveway extension to shop and outdoor storage- —

- a) Future shop to consist of a 5000 sq.ft. accessory building for storage of business related equipment and vehicles.
- b) Outdoor storage to consist of 4300 sq.ft. for storage of vehicles and other business related equipment- situated within a 2m higher fenced enclosed area.

- c) Existing 2m high fence approximate locations provided-requesting approvals for a 8' high fence.
- d) Existing gravel driveway to be extended to the rear area for access to the New shop and outdoor storage areas.
- e) Existing storage shed situated in path of future driveway to be demolished and removed.

255104 RGE RD 282 Site plan



Division: 05
 Roll: 05335032
 File: PRDP20203739
 Printed: Jan 11, 2021
 Legal: Lot:2 Block:7
 Plan:9410469 within SW-35-
 25-28-W04M

Inspection Photos
December 16, 2020

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9 of 16



12 16 2020

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December 16, 2020

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