

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Development Authority **DIVISION:** 5

DATE: January 27, 2021 **APPLICATION:** PRDP20203752

FILE: 05335031

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

APPLICATION: The application is for the renewal of a Home-Based Business Type II, for automotive repairs and sales and relaxation of the allowable use.

GENERAL LOCATION: located approximately 2.41 km (1 1/2 miles) north of Hwy. 564 and on the west side of Rge. Rd. 281.

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

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

EXECUTIVE SUMMARY: The Applicant operates a long standing automotive home-based business, 1194314 Alberta Ltd. – approximately 7 renewals to date. The previous development permit, PRDP20175301, was issued on February 21, 2018 and expired on January 14, 2021. The home-business uses 37.16 sq. m. (400.00 sq. ft.) of the dwelling, 185.81 sq. m. (2,000.00 sq. ft.) of an existing accessory building, and 371.61 sq. m. (4,000.00 sq. ft.) of outside storage. The business operates by appointment only (Monday – Sunday; 9:00am – 4:00pm) with approximately twenty (20) business-related visits per week. There is one (1) part-time employee who also resides on the property. Signage is not requested. There have been two (2) previous enforcement files on this property, related to complaints regarding a home-based business operation, ranging from July 2004 to January 2009. There have been no current enforcement concerns.

OPTIONS:

Option #1: THAT Development Permit Application PRDP20203752 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Development Permit Application PRDP20203752 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.

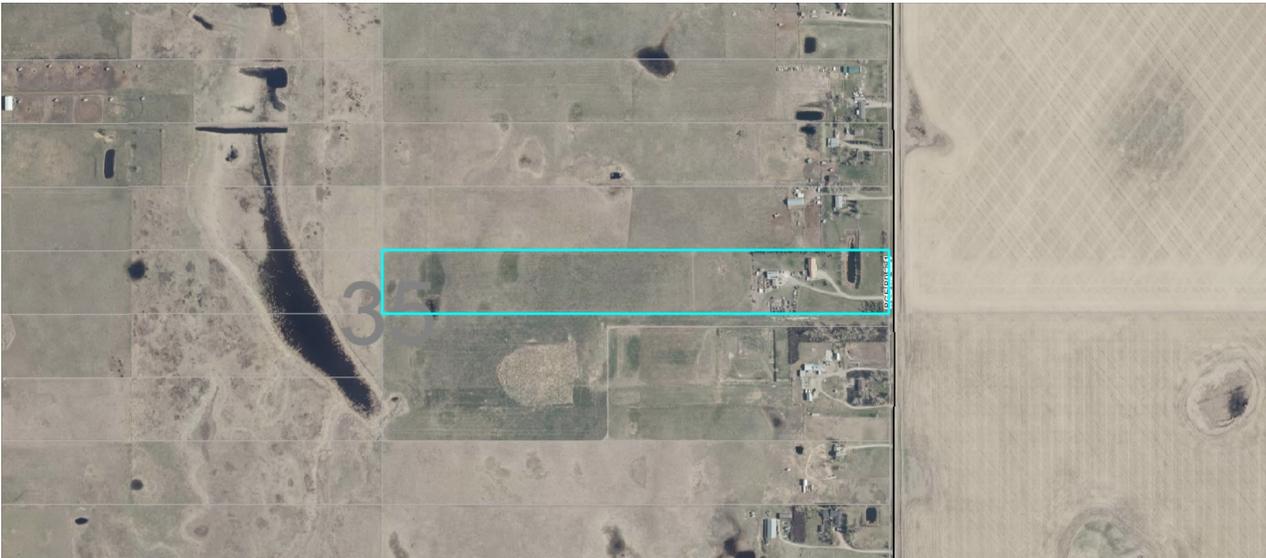
Retail, restaurants, and automotive related businesses shall not be permitted as a Home-Based Business (Type II).

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.

<p>APPLICABLE POLICY AND REGULATIONS:</p> <ul style="list-style-type: none"> Land Use Bylaw C-8000-2020 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> Site Plan / Prepared by Terramatic Technologies Inc / dated June 2003
<p>DISCRETIONARY USE:</p> <ul style="list-style-type: none"> Home-Based Business, Type II is listed as a Discretionary use. 	<p>DEVELOPMENT VARIANCE AUTHORITY:</p> <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. The business is long standing and does not have any current



enforcement concerns. For these reasons, the business does not appear to unduly interfere with the amenities of the neighbourhood or materially interfere with and affects the use, enjoyment, and value of neighbouring parcels of land.

CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

Executive Director
Community Development Services

Chief Administrative Officer

BC/lt

ATTACHMENTS:

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



ATTACHMENT 'A': DEVELOPMENT PERMIT CONDITIONS

Option #1:

APPROVAL, subject to the following conditions

1. That a Home-Based Business, Type II, for automotive repair and sales may continue to operate on the subject parcel in general accordance with the approved site plan and application.
 - a) That the proposed Automotive use is permitted as a Home-Based Business, Type II

Permanent:

2. That there shall be no non-resident employees at any time.
3. 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.
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 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.
7. That the Home-Based Business shall be limited to the dwelling, accessory buildings and the outside storage area.
8. That all outside storage that is a part of the Home-Based Business shall be completely screened from adjacent lands with a fence, shall meet the minimum setback requirements for buildings, and **shall not exceed 4,305.56 sq. ft. (400.00 sq. m).**
9. That all vehicles, trailers, or equipment that is used in the Home-Based Business shall be kept within a building or storage area.
10. That one (1) identification sign, (3.30 ft. x 2.0 ft.) shall remain onsite in accordance with the renewal application.
11. That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
12. That the operation of this Home-Based Business may generate up to a maximum of eight (8) business-related visits per day.
13. That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.

Advisory:

14. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
15. That this Development Permit shall be valid until **January 14, 2026.**



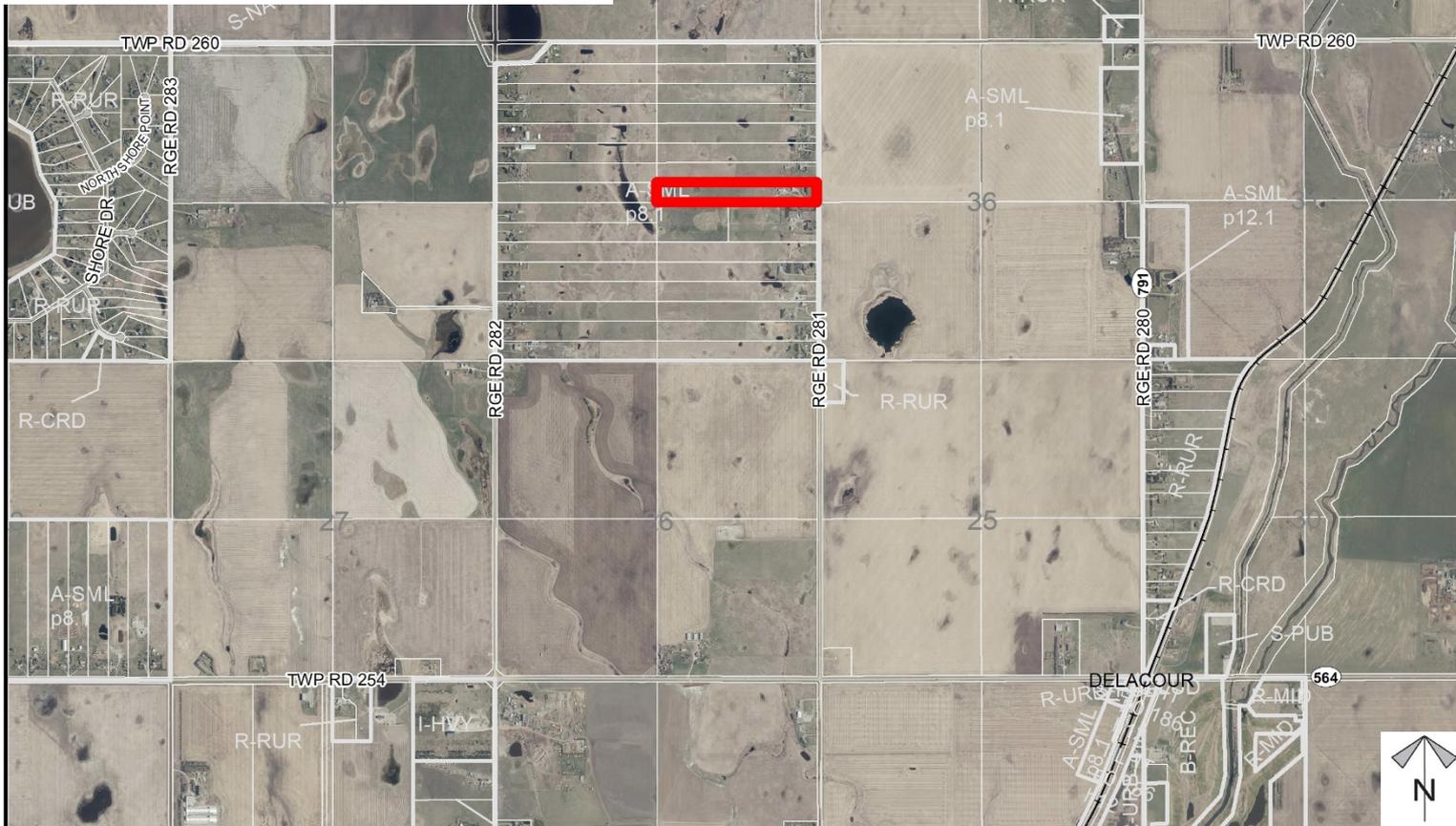
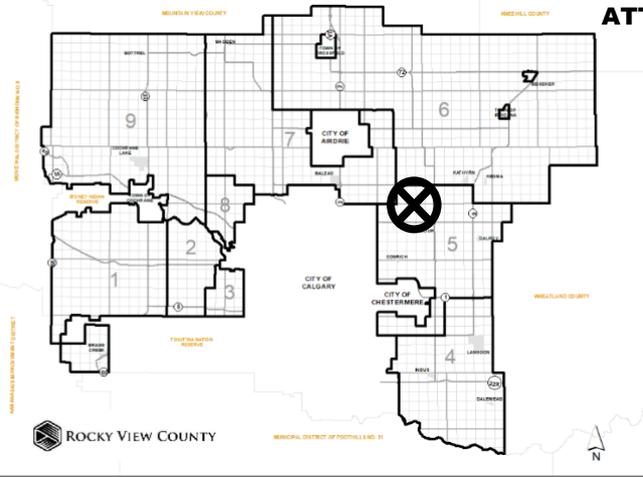
ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<p>APPLICANT: Charanjeet & Avtar Sagoo</p>	<p>OWNER: Charanjeet & Avtar Sagoo</p>
<p>DATE APPLICATION RECEIVED: November 19, 2020</p>	<p>DATE DEEMED COMPLETE: November 19, 2020</p>
<p>GROSS AREA: ± 8.06 hectares (± 19.94 acres)</p>	<p>LEGAL DESCRIPTION: NE-35-25-28-04 Lot: 1-Block:1 Plan: 8811658 (255133 RGE RD 281)</p>
<p>APPEAL BOARD: Subdivision and Development Appeal Board</p>	
<p>HISTORY:</p> <p>Sep 03, 2009: Building Permit, 2009-BP-22585, Accessory Building (Detached Garage) – PSR – Not in Compliance No Entry Jun 12, 1995: Building Permit, 1995-BP-4721, Accessory Building – Occupancy Granted Jun 05, 1991: Building Permit, 1991-BP-2270, Single Family Dwelling – Occupancy Granted</p> <p>February 21, 2018: Development Permit, PRDP20175301, HBB, Type II for automotive repairs and sales (renewal) (expired January 14, 2021) - Closed - Renewal Application February 18, 2015: Development Permit, PRDP20145216, HBB, Type II for automotive repairs and sales (renewal) (expired January 14, 2018) - Closed - Renewal Application January 8, 2013: Development Permit, 2012-DP-15201, HBB, Type II for automotive repairs and sales (renewal) (expired January 14, 2015) - Closed - Renewal Application November 22, 2011: Development Permit, 2011-DP-14784, HBB, Type II for automotive repairs and sales (renewal) (expired January 14, 2013) - Closed - Complete January 18, 2011: Development Permit, 2010-DP-14339, HBB, Type II for automotive repairs and sales (renewal) (expired January 14, 2012) - Closed - Complete February 16, 2010: Development Permit, 2010-DP-13892, HBB, Type II for automotive repairs and sales (renewal) (expired January 14, 2011) - Closed - Complete December 15, 2008: Development Permit, 2008-DP-13322, HBB, Type II for automotive repairs and sales (expired January 14, 2010) - Closed - Complete</p>	
<p>PUBLIC & AGENCY SUBMISSIONS:</p> <p>The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	

Location & Context

Development Proposal

Renewal of a Home-Based Business Type II, for automotive repairs and sales and relaxation of the allowable use.



Division: 05
 Roll: 05335031
 File: PRDP20203752
 Printed: Jan 11, 2021
 Legal: Lot:1 Block:1
 Plan:8811658 within NE-35-25-28-W04M

Site Plan

Development Proposal

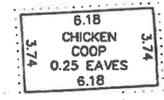
Renewal of a Home-Based Business Type II, for automotive repairs and sales and relaxation of the allowable use.

ALBERTA LAND SURVEYOR'S REAL PROPERTY REPORT

LEGEND:
Found Iron Posts are shown thus: ●
Sideyard dimensions to building wall
All distances are in metres and decimals thereof.
Distances shown on curve boundaries are Arc distances
The designation 'R' on a curve indicates its Radius
ROW - Right of Way
Contoured walls are shown thus: - - - - -
Edge of concrete walks & drives shown thus:
Edge of Eaves are shown thus:
Fences are shown thus: - - - - -
This plan is page 2 of a Real Property Report and is ineffective if detached from page 1.

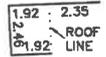
TERRAMATIC
Technological
#12-5080-12A Street S.E.
Calgary, Alberta T2C 5K9
Phone: 214 3655, Fax 214 1428
E-Mail: survey@terramatic.com
Drawn by: KGK Chk'd: CDK
Date: JUNE 26, 2003
Scale: 1:200 Metric
File No.: 036888

NOTE:
ALL BUILDING DETAILS
SCALE 1:200

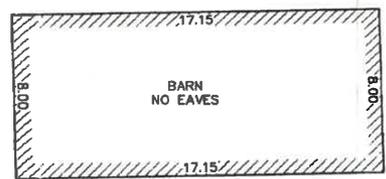
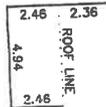


ROOF OVER

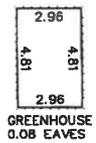
ANIMAL SHELTER 1



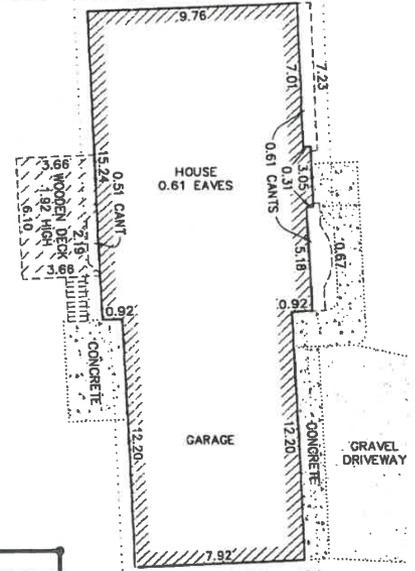
ANIMAL SHELTER 2



ROOF OVER STORAGE AREA



GREENHOUSE 0.08 EAVES



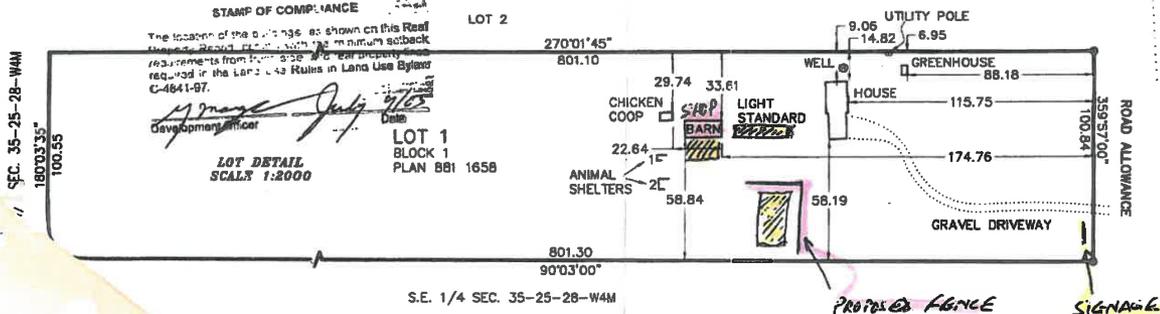
MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
STAMP OF COMPLIANCE

The location of the buildings as shown on this Real Property Report shall comply with the minimum setback requirements from the 5.58 m and 6.10 m property lines required in the Land Use Rules in Land Use Bylaw C-4641-87.

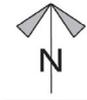
[Signature]
Development Officer
Date: July 9/03

LOT DETAIL
SCALE 1:2000

LOT 1
BLOCK 1
PLAN B81 1658



- OUTSIDE STORAGE



Division: 05
Roll: 05335031
File: PRDP20203752
Printed: Jan 11, 2021
Legal: Lot:1 Block:1
Plan:8811658 within NE-35-25-28-W04M



Inspection Photos⁹ of 11
December 21, 2020





