SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

January 29, 2020

ROCKY VIEW COUNTY
COUNCIL CHAMBERS
262075 ROCKY VIEW POINT
ROCKY VIEW COUNTY, AB
T4A 0X2

- A CALL MEETING TO ORDER
- B DEVELOPMENT APPEALS

9:00 AM APPOINTMENTS

1. Division 5 File: 05301006; PRDP20192968 page 2

An appeal against the Development Authority's decision to REFUSE a development permit application for the renewal of a home-based business, type II, for an autobody shop at 250250 Range Road 281 (Lot 1 Block 1 Plan 0610678; NW-01-25-28-W4M) located approximately 1.21 km (3/4 mile) north of Township Road 250 and on the east side of Range Road 281.

Appellant/Applicant: Tinio Ramoncito

Owners: Bhupinder and Ravinder K Basati

C CLOSE MEETING

D NEXT MEETING: February 19, 2020



PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: January 29, 2020 DIVISION: 5

FILE: 05301006 **APPLICATION**: B-1; PRDP20192968

SUBJECT: Renewal of a Home-Based Business, Type II,

for an autobody shop

PROPOSAL: Renewal of a Home-Based Business, Type II, for an autobody shop	GENERAL LOCATION: Located approximately 1.21 km (3/4 mile) north of Twp. Rd. 250 and on the east side of Rge. Rd. 281
APPLICATION DATE: August 21, 2019	DEVELOPMENT AUTHORITY DECISION: Discretionary - Refused
APPEAL DATE: December 30, 2019	DEVELOPMENT AUTHORITY DECISION DATE: December 12, 2019
APPELLANT: Tinio Ramoncito	APPLICANT: Tinio Ramoncito
LEGAL DESCRIPTION: Lot 1 Block 1 Plan 0610678, NW-01-25-28-W04M	MUNICIPAL ADDRESS: 250250 RGE RD 281, Rocky View County AB
LAND USE DESIGNATION: Agriculture Holdings District (AH)	GROSS AREA: ± 8.09 hectares (± 20.00 acres)
PERMITTED USE: Home Based Business, Type II, is a discretionary use within the Agricultural Holdings District.	DEVELOPMENT VARIANCE AUTHORITY: Development Authority has no discretion to allow for more than 2 non-resident employees.
PUBLIC SUBMISSIONS: The application was circulated to 19 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application.	LAND USE POLICIES AND STATUTORY PLANS: •County Plan •Land Use Bylaw

EXECUTIVE SUMMARY:

The application is for a Home Based Business, Type II, for an autobody shop, and for the relaxation of the number of non-resident employees.

In accordance with Section 21.3 of the Land Use Bylaw (Home Based Business regulations), on a parcel designated as Agricultural Holdings, the permitted number of non-resident employees shall not exceed two (2) through a Development Permit.

The refusal decision was appealed by the Appellant/Applicant on December 30, 2019, as they feel they have minimal impact on neighbouring properties.



PROPERTY HISTORY:

Construction of a Single Family Dwelling
Manufactured Single Family Dwelling
Moved In Dwelling
Home-Based Business, Type II
Renewal of a Home-Based Business, Type II
Renewal of a Home-Based Business, Type II
Renewal of a Home-Based Business, Type II
Renewal of a Home-Based Business, Type II

APPEAL:

See attached report and exhibits.

Respectfully submitted,

Sean MacLean

Supervisor, Planning and Development Services

CL/IIt



OPTIONS:

APPROVAL:

Option #1 (this would allow for an increase to the number non-resident employees)

That the appeal against the Development Authority to refuse to issue a Development Permit for a Home Based Business, Type II, for an autobody shop at Lot 1, Block 1, Plan 0610678, NW-01-25-28-W04M (250250 RGE RD 281, Rocky View County, AB) be upheld, that the decision of the Development Authority be revoked, and that a Development Permit be issued, subject to the following conditions:

Description:

1) That a Home-Based Business, Type II, for an autobody shop may operate on the subject parcel in accordance with the approved plans.

Permanent:

- 2) That the number of non-resident employees shall not exceed three (3) at any time.
 - a. 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.
- 3) That the operation of this Home-Based Business may generate up to a maximum of eight (8) business-related visits per day.
- 4) That the operation of this Home-Based Business shall be secondary to the residential use of the subject parcel.
- 5) That the Home-Based Business shall not change the residential character and external appearance of the land and buildings.
- 6) That the operation of this Home-Based Business shall not generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area.
- 7) 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.
- 8) That the Home-Based Business shall be limited to the accessory building and the outside storage area.
- 9) 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 400.00 sq. m. (4,305.56 sq. ft.).
- 10) 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.
- 11) That there shall be no signage, exterior display or advertisement of goods or services discernible from the outside of the building.
- 12) That no off-site advertisement signage associated with the Home-Based Business shall be permitted.
- 13) That this Development Permit shall be valid until **September 6, 2024**.



Advisory:

- 14) That any other Federal, Provincial, or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 15) That the County's Noise Bylaw C-5772-2003 shall be adhered to at all times.

Option #2 (this would not allow for an increase to the number of non-resident employees)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for a Home-Based Business, Type II, for an autobody shop at Lot 1, Block 1, Plan 0610678, NW-01-25-28-W04M (250250 RGE RD 281, Rocky View County, AB) be denied, and the decision of the Development Authority be upheld.



Application No.	PRDP20192968	File Manager	Christina Lombardo
District	АН	Gross Area (ha)	8.09
Proposed Business Renewal of a Home Based Business Type II, for an autobody shop			

Use and District Intent Check	Yes/No
Is the proposed development a listed use?	Yes
Does the proposed development meet the use defintion?	Yes
Does the proposed business meet the Purpose and Intent? - 12.3(b)	Yes

Compat	ibility	/ Check				Yes/No	
22.1	(c)	Variation in parcel appearance or character?					
	(d)	Excessive or unacceptable traffic?				No	
	(f)	Offensive or excessive noise, smoke exhaust, vibration, heat, glare or re			es,	No	
21.3	(a)	Include structures other than SDD of	or Acc. Buildi	ngs?		No	1
	(c)	Secondary to the residential use?				Yes	
	(d)	Variation in parcel appearance or c	haracter?			No	
	(f) Include a general store?				No		
	(g) Outdoor storage screened from adjacent lands?					Yes	
		Regulation	Max	Proposed	Δ	Variance	
21.3	(b)	Business Trips	8.00	3.00	-5.00		
	(e)	Non-Resident Employees	2.00	3.00	1.00	50.00%	F
35.11	(a)	No. of Signs	1.00	0.00	-1.00		
	(b)	Sign length	1.00	0.00	-1.00		
	(b)	Sign width	0.60	0.00	-0.60		

Comments

This application is the second (2) renewal application. The last application PRDP20172212, was issued September 6, 2017 and expired September 5, 2019. Any changes for this application have been noted.

Comments

Existing Accessory building will continue to be used for the business. External appearance is adequately screened. All noise shall be generated exclusively between 5:30pm and 8:30pm, Monday to Saturday.

Comments

There are four (4) part time employyes, and one (1) lives on the property. They have personal vehicles parked in the front of the property and all vehicles used in the business are parked within the screened/fenced area. No signage has been requested.

All Agricultural and Residentia Dift 23s

(RF, RF-2, RF-3, F, AH, R-1, R-S, R-2, R-3, HR-1, HR-2, HR-3, HR-4)

	Outdoor Storage Calculation (m ²) - 21.3(g)				
1% of Parcel: 809.00 Over 400m ² ? TRUE Max Area Permitted: 4		400			
Proposed Outdoor Storage Area (m²) Δ Variance					
400.00 0.00					
	Does Propsoed Outdoor Storage Area Meet District Setbacks?				
Front Side 1 Side 2			e 2 Re	ar	
Yes	5	Yes	'es Yes Yes		es

Proposed Operations			
Days Open	Monday to Saturday	Hours	5:30pm to 8:30pm

Does the proposed development (including variances):	
Unduly interfere with the amenities of the neighbourhood?	No
Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land?	No

Doc Type	Policy Name	Applicable Policies?	Compliance with Policies
IGP	Interim Growth Plan		
IDP			
MDP	County Plan		
ASP			
CS			

Outdoor Storage requestedis 4300 sq. ft., which is within
our allowable limit. This area is located on the north side
of the accessory building are within required setbacks.
From aerial imagery is appears there are some cars
parked on the east side of the south accessory building
that should be contained within the fenced area.

Comments

Comments

The business will operate out of the accessory building and outdoor storage area.

Comments

Comments

The subject property falls outside the policy area of an area structure plan or conceptual scheme; therefore the application has been evaluated in accordance with the Land Use Bylaw.

BP/DP History	1989-BP-1252 - SFD 1999-BP-13415 - Manufactured SFD 2001-DP-9573 - Moved In Dwelling 2011-DP-14679 - HBB, Type II 2012-DP-15105 - HBB, Type II PRDP20142211 - HBB, Type II PRDP20161082 - HBB, Type II PRDP20172212 - HBB, Type II	
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Inspector Comments	Oct 2, 2019 - Garage/shop located beside outdoor storage on site - Several vehicles visible lined & screened with a black fabric fence - No workers visible, no equiptment piled up outside of storage area - No shop activity or sound generated from equipment indoors - 4 other vehicles located in front of dwelling and garage - well maintained site with one waste container in front of storage - No adjacent landowners impacted - no development on adjacent sites - No signage visible, no other concerns
Overall Assessment	
Non- Standard Conditions	





403-230-1401 questions@rockyview.ca www.rockyview.ca

REFUSAL

Tinio Ramoncito

Development Permit #: PRDP20192968

Date of Issue:

December 12, 2019

Roll #:

05301006

Your Application dated August 21, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

renewal of a Home-Based Business, Type II, for an autobody shop

at Lot 1 Block 1 Plan 0610678, NW-01-25-28-04; (250250 RGE RD 281, Rocky View County AB)

has been considered by the Development Authority and the decision in the matter is that your application be REFUSED for the following reasons:

The total number of non-resident employees requested exceeds the maximum amount permitted, as defined in Section 21.3 of the Land Use Bylaw C-4841-97.

Permitted: 2;

Proposed: 3.

If you require further information or have any questions regarding this development, please contact Christina Lombardo at 403-520-1185 or email clombardo@rockyview.ca and include the application number.

Regards,

Development Authority Phone: 403.520.8158

E-Mail: development@rockyview.ca

NOTE: An appeal from this decision may be made to the Subdivision and Development Appeal Board of Rocky View County. Notice of Appeal to the Subdivision and Development Appeal Board from this decision shall be filed with the requisite fee of \$350 with Rocky View County no later than 21 days following the date on which this Notice is dated.

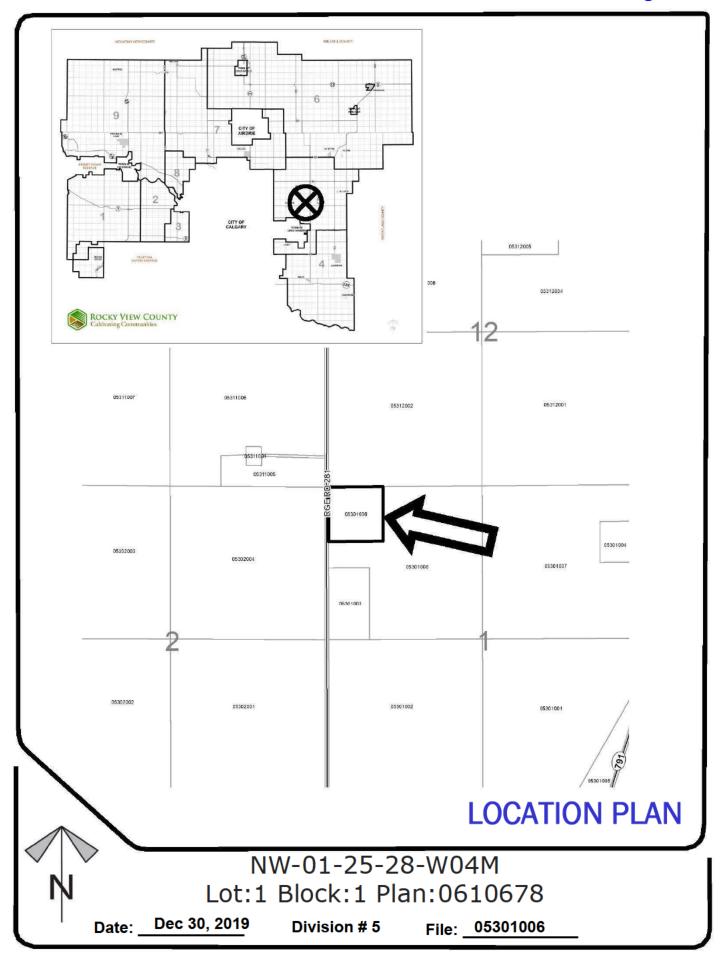
Page 10 of 30

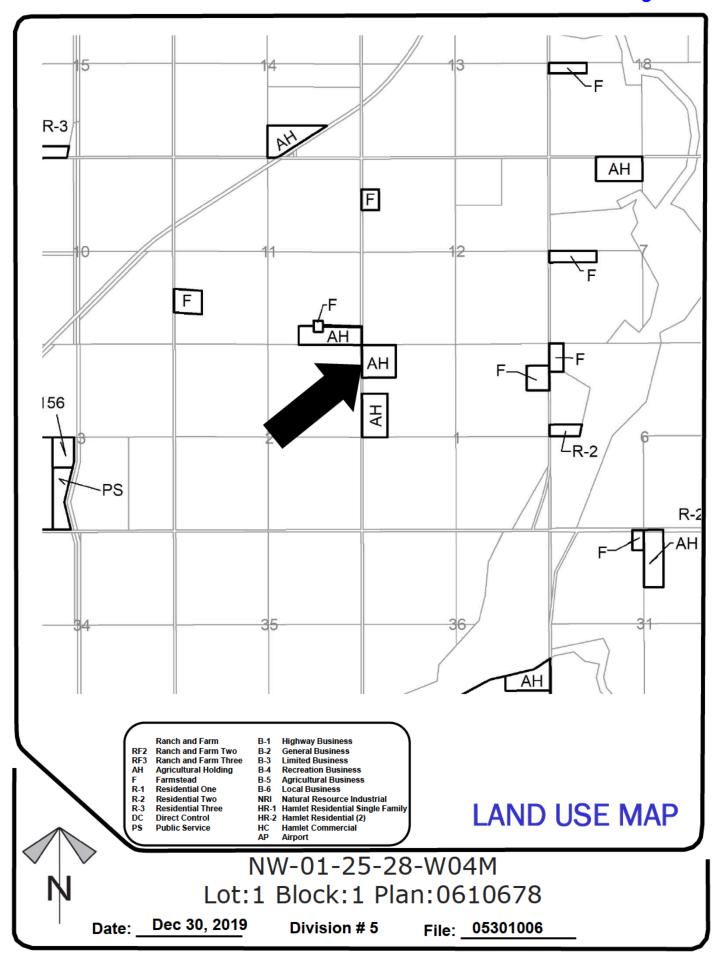


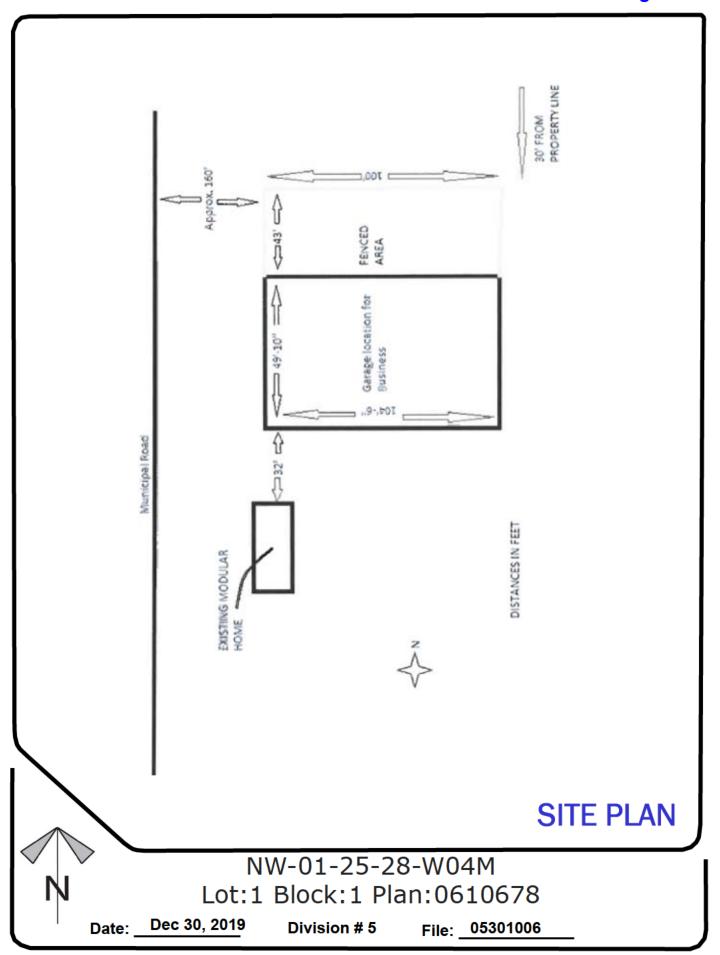
Notice of Appeal

Subdivision and Development Appeal Board Enforcement Appeal Committee

Appellant Information	
Name of Appellant(s) TIMO RAMONOTO	
Site Information Municipal Address 250250 PAYGERD 9-81 Legal Land Description (lot, Lot I Block) Property Roll # 05301006 Development Permit, Subdivision Application	BNUPINDER, block, plan OR quarter-section-township-range-meridian) PAV 0610678 MW 01-25-36-64 ation, or Enforcement Order #
I am appealing: (check one box only)	
Development Authority Decision Approval Conditions of Approval Refusal Subdivision Authority Decision Approval Conditions of Approval Refusal	☐ Stop Order
Reasons for Appeal (attach separate page if required)	
we have two PART	Time
ore full time	trying to
517CR 2016 WE	are no or
WORK VERY Maly	
impact or Any reag	howeld. We win
working in Accordance Azmay trying to	with 187 LAWS
dones not effect ,	any Bods AROUNDUS.
This information is collected for the Subdivision and Development Appeal Board or Enformation will be used to process your appeal and to create a public record of the appeal heard the Freedom of Information and Protection of Privacy Act. If you have questions regarding the Municipal Clerk at 403-230-1401. Dec 30 2019	ing. The information is collected in accordance with
Appellant's Signature Date	DEC 3 0 2019
Last updated: 2018 November 13	Page 1 of 2
	Agenda











SITE INSPECTION

NW-01-25-28-W04M

Lot:1 Block:1 Plan:0610678

Date: Dec 30, 2019 Division # 5 File: 05301006





SITE INSPECTION

NW-01-25-28-W04M

Lot:1 Block:1 Plan:0610678

Date: Dec 30, 2019 Division # 5 File: 05301006



Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

TOPOGRAPHY

Contour Interval 2 M

NW-01-25-28-W04M

Lot:1 Block:1 Plan:0610678

Date: Dec 30, 2019

Division # 5

File: _ 05301006



Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

AIR PHOTO

Spring 2018

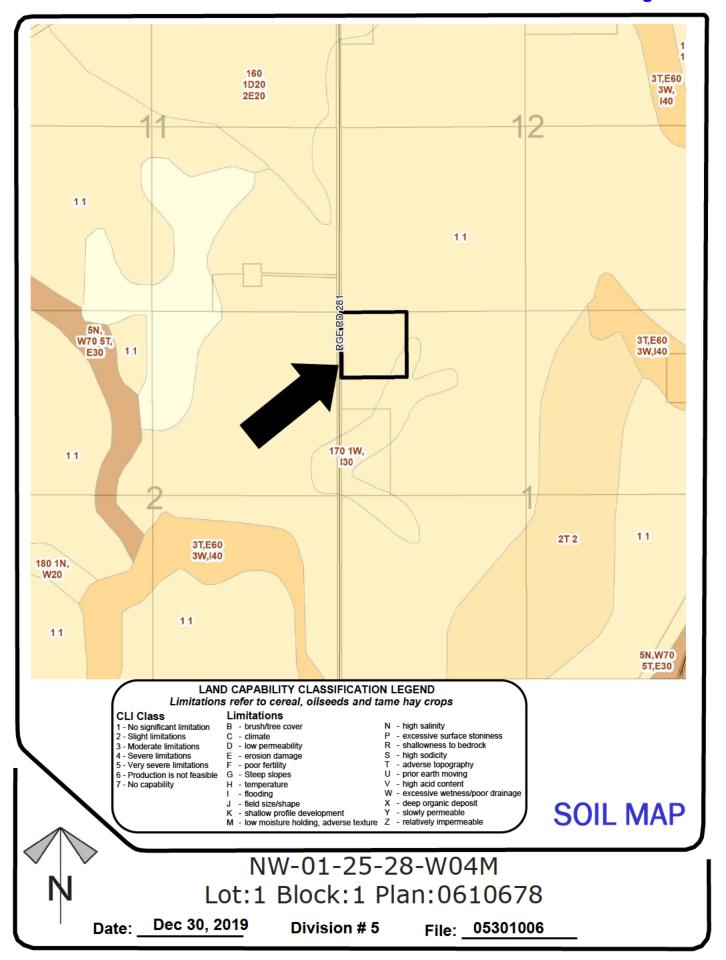
NW-01-25-28-W04M

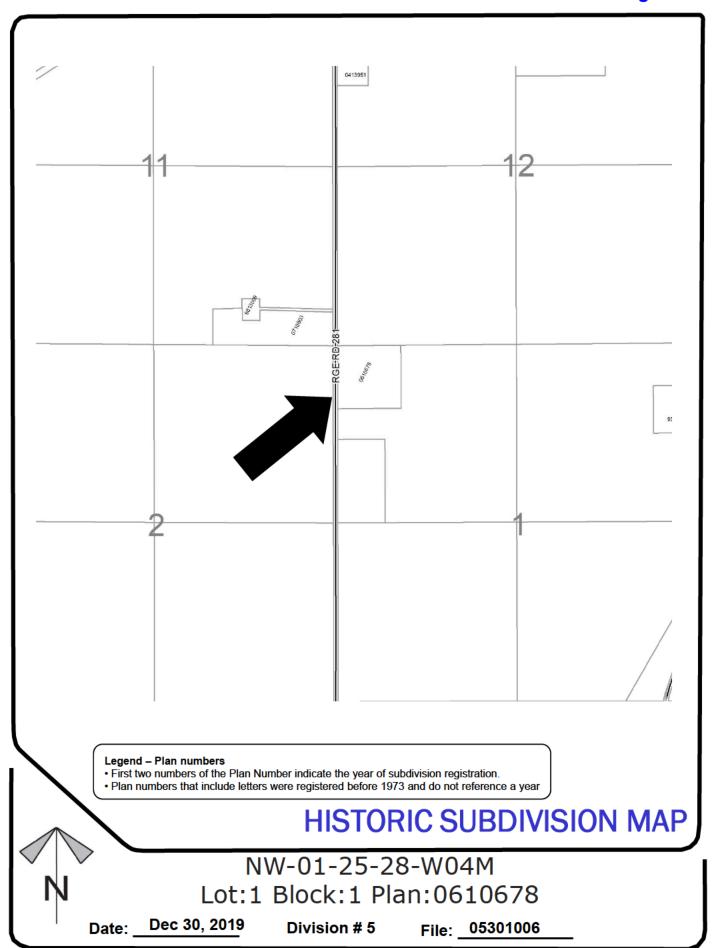
Lot:1 Block:1 Plan:0610678

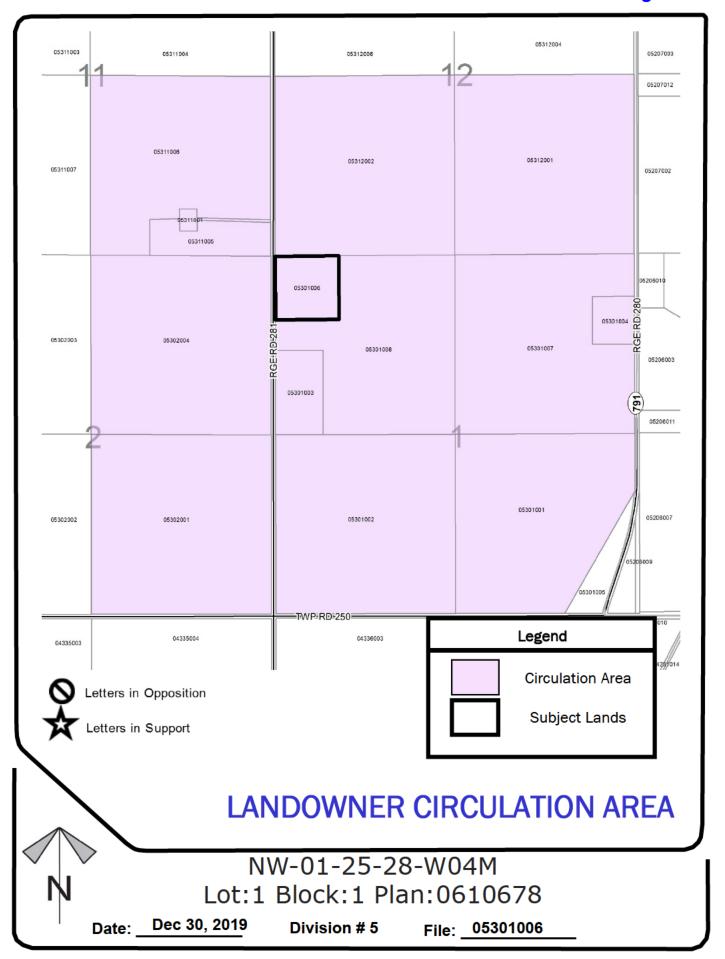
Date: Dec 30, 2019

Division # 5

File: <u>05301006</u>







ROCKY VIEW COUNTY
Cultivating Communities

20192968

DEVELOPMENT PERMIT

	FOR OFFICE		
	Fee Submitted	File Number	260
	Date of Receipt	Receipt#	56
	Aug 21/19	201902185	4
Rer	rewal of PA	2DP20172	212

	Name of Applicant RAMONCITO G. TINIO Email
	Mailing Address
	Postal Code
	Telephone (B) Fax
	For Agents please supply Business/Agency/ Organization Name
	Registered Owner (if not applicant) BUSINDER Basats & RAV, NOER Basats
	Mailing Address Postal Code
	Telephone (B) Fax
1.	LEGAL DESCRIPTION OF LAND
	a) All / part of the 1/2 Section Township Range West of Meridian
	b) Being all / parts of Lot Block Registered Plan Number O() O() C()
	c) Municipal Address 250256 RANGE RO 281
	d) Existing Land Use DesignationA# Parcel Size Division
2.	APPLICATION FOR
	More BASED BUSSINEIS TIPE 11
•	
3.	a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes No
	b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? (Sour Gas facility means well, pipeline or plant)
	c) Is there an abandoned oil or gas well or pipeline on the property?
	d) Does the site have direct access to a developed Municipal Road? Yes No
4.	REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF
	I Ramoncib G. Tinio hereby certify that I am the registered owner (Full Name in Block Capitals)
	I am authorized to act on the owner's behalf
	and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application. Affix Corporate Seal here if owner is listed as a named or numbered company
	Applicant's Signature Owner's Signature
	Date 21/2018 Date 21/2018

5.	RIGHT	OF EN	ITRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.

Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.

I, _______, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

Signature

Date



APPLICATION TO OPERATE A HOME-BASED BUSINESS

USE ONLY
File Number
Receipt #

Telephone (B) 587-9(50-9250) (H) Fax
Telephone (B) 5879(900000000000000000000000000000000000
PROPERTY INFORMATION
Is this on your property? Yes/No At your customers locations? Yes/No Both? Yes/No
How many square feet are being used for business purposes in the following:
HouseAccessory BuildingOutdoors
VEHICLES
How many vehicles come to your home/property Per day Per week
Please describe the number and type of vehicles used in the business
CAR, Fity Small CARS and SUVS
Where will these vehicle(s) be parked?
* Please show parking and storage area on your site plan.
EMPLOYEES
Including the Applicant, how many people are employed by the Home-Based Business?
(An employee is a person who attends the site more than once in a seven (7) day period for business purposes)
Full Time Part Time 3
Including the Applicant, how many of the above persons live on this property?
Full Time Employees Part Time Employees
OPERATION
What are your days of operation? MON TO TO What are your hours of operation? 5.30 PM TO
STORAGE AND SIGNAGE
Is outside storage requested? YES/NO If yes - how many square feet? 4360
Will a sign be required? YESMO if yes - Please provide detailed sketches of the proposed sign on a separate sheet
ADDITIONAL INFORMATION

PLEASE PROVIDE A COVERING LETTER DETAILING THE NATURE OF THE BUSINESS PLEASE PROVIDE ALL OF THE ABOVE INFORMATION, EVEN IF THIS IS A RENEWAL. THANK YOU



Summary

Roll Number 05301006

Legal Desc NW-01-25-28-W04M

Divison 05

Lot Block Plan Lot:1 Block:1 Plan:0610678

Linc Number 31593727

Title Number 161008200

Parcel Area 20.00000

Municipal Address 250250 RGE RD 281

Contact Information Basati, Bhupinder & Ravinder K

Calgary AB T2M 4L5

Closed - Approved

00000000000000

Land Use Information AH (AGRICULTURAL HOLDING)

Plan

Planning Applications Information

Application No. Name

2005416 Gehrken

2005138 Gehrken

Status

Planner

Application Date

DavidW DavidW Monday, October 3, 2005

Friday, April 1, 2005

Area Structure Plan

{There is no related Area Structure Plan}

Conceptual Scheme

{There is no related Conceptual Scheme}

I DITHE HUMBE I cimic rype FBL20040106_399 Building FBL20020528_281 Building 1999-BP-13415 Building Building 1989-BP-1252

שמנה ושמחפת Tue Jan 06, 2004 Tue May 28, 2002 Fri Dec 03, 1999 Mon Aug 28, 1989

Development Permit Information

Permit Number PRDP20172212 PRDP20161082 2012-DP-15105 2011-DP-14679 2001-DP-9573 PRDP20142211 PRDP20192968

Date Issued

Wednesday, September 6, 2017 Monday, August 8, 2016 Tuesday, October 9, 2012 Tuesday, September 13, 2011 Tuesday, November 13, 2001

Alert

Department	Issued By	Date Issued	Date Closed	Status	Reference No.	Description	Severity
		Thursday, March 8, 2007		0		Inquiry made by Bert Brown as to whether this property could be used for a HBB II to make trusses (mostly indoors). Yes per Graham	1
		Wednesday, July 9, 2014	Tuesday, November 25, 2014	С		EF-2083 Contravention:Operating Outside DP	2
CE	CaseyM	Wednesday, July 15, 2015	Thursday, June 30, 2016	С	CEWC20150184	Case Number: CEWC20150184 Case Description: Scentless Chamomile and Canada Thistle is growing on berm surrounding yard.	1
DEVS	PaulSi	Thursday, January 7, 2016	Thursday, January 7, 2016	0		stamp of compliance issued	1
CE	ТгоуН	Monday, June 27, 2016	Monday, June 27, 2016	С	CEWC20160273	Case Number: CEWC20160273 Case Description: Canada Thistle, Scentless Chamomile & White Cockle behind house and shop.	1

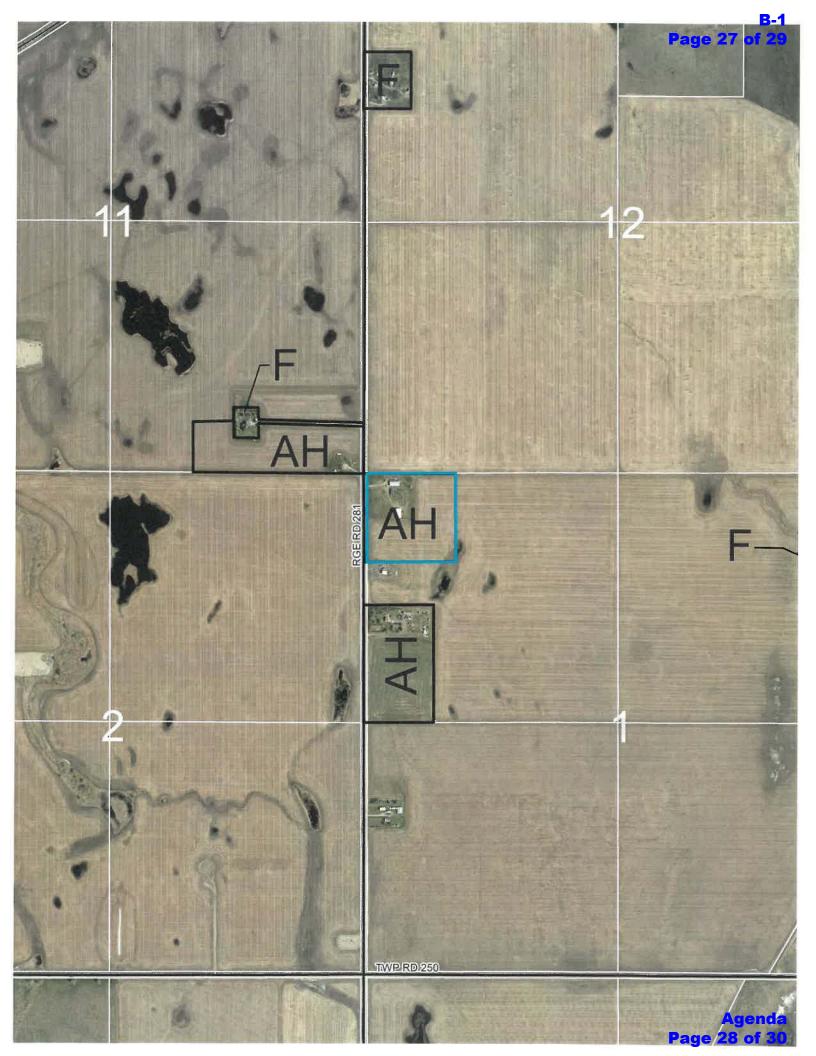
Geospatial Boundary

Boundary	Category
Division	5
Area Structure Plan	No ASP
Conceptual Scheme	No Conceptual Scheme
IDP	No IDP
Airport Vincinity	No APVA
Engineer	Gurbir Nijjar
Water Coop	No Water Coop
Gas Coop Service	ROCKYVIEW GAS CO-OP
No.of Lots Within 600 M	5
No.of App Subdiv Within 600 M	0
Developed Road Allowance	Yes

School	No School Boundary
Recreation	Chestermere-Conrich
Fire District	BALZAC
Primary Fire Station	107
Secondary Fire Station	111
Tertiary Fire Station	116

Geospatial Adjacency				
Boundary	Category	Distance		
Closest Highway	No HWY within 800 M			
Closest Gravel Pit	River Pit	28533.08 M		
Sour Gas	No Sour Gas Pipe passes	From closest sour pipe:1014.97 M		
Closest Road Name	RGE RD 281(Surface Type:Gravel)	9.92 M		
Closest Railway	CNR	1755.27 M		
Closest Western Irrigation Districts	Within 10Km			
Closest Waste Water Treatment	Within 10Km	3587.82 M		
Closest Waste Transfer Site	Within 3 Km			
Closest Municipality	CITY OF CHESTERMERE	5053.93 M		
Closest Confined Feeding Operation	Within 10 KM			







262075 Rocky View Point Rocky View County, AB, T4A 0X2

> 403-230-1401 questions@rockyview.ca www.rockyview.ca

RECEIPT OF PAYMENT

Receipt Number:

2019021854

Receipt Date:

08/21/2019

Date Paid: Full Amount: 08/21/2019

GST Amount:

\$200.00 \$0.00

Payment Details:

Payment Method

Amount Tendered Cheque Number

\$200.00

Amount

\$200.00

Tendered:

Cash

Change / Overage:

\$0.00

Contact:

Tinio Ramoncito, Address:

FEE DETAILS:

Fee Description

Reference Number

Amount Owing

Amount Paid

Renewals (except gravel pits)

PRDP20192968

\$200.00

\$200.00

