



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: November 20th, 2023

THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

DEVELOPMENT APPLICATION FILE NUMBER: 23D 179

LANDOWNERS: RUIJIE GU & HAO ZHANG

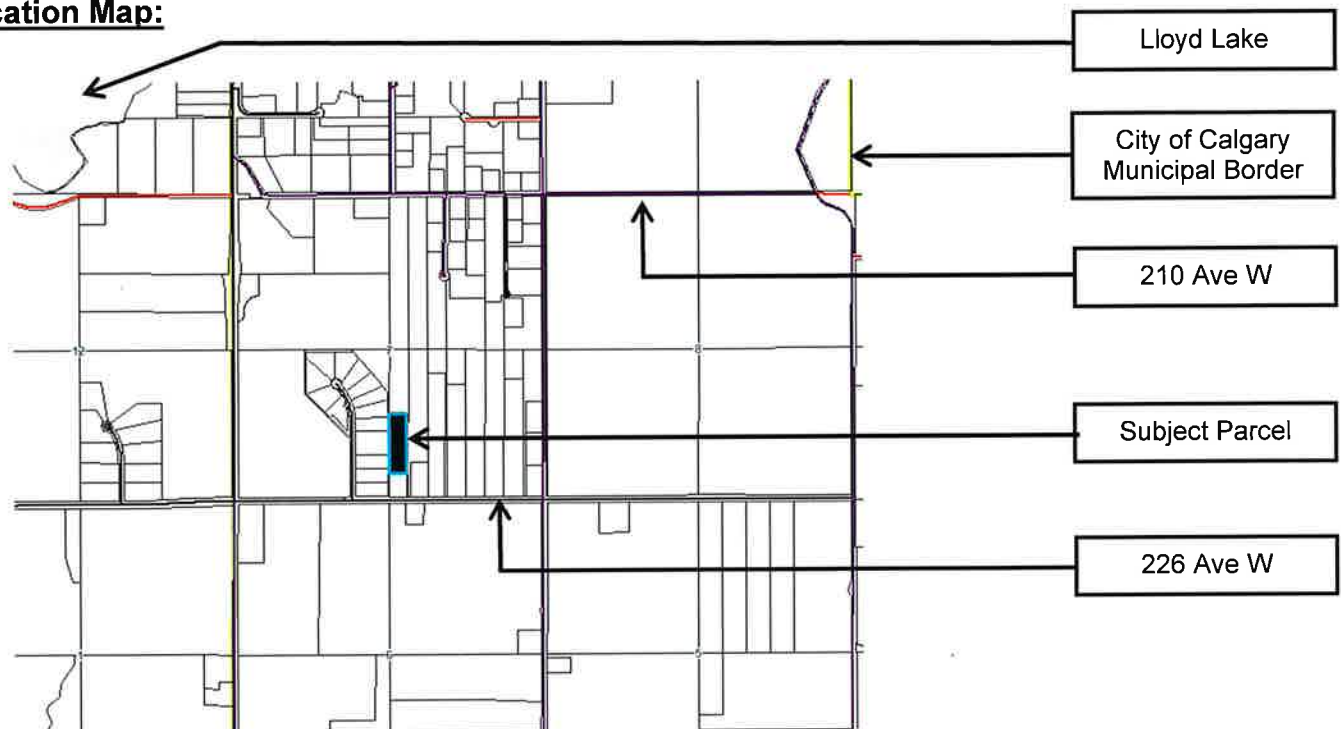
PROPOSAL DESCRIPTION: HOME BASED BUSINESS TYPE II – DOG GROOMING SERVICE

LEGAL DESCRIPTION: PLAN 1412800 BLOCK 8 LOT 5; PTN. SE 07-22-01 W5M

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 6.99 acre Country Residential District parcel, located 145 m north of 226 Ave W, 800 m east of 96 St W, 4 km south and 4 km west of the City of Calgary municipal border.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow the operation of a Dog Grooming Service to operate out of the residence on the subject property. This business is proposed to operate under the criteria of a Home Based Business, Type II.

The application identifies:

- Onsite activities include:
 - o Dog grooming, cleaning, styling and clipping;
 - o Customer dogs are expected to arrive and depart with their scheduled grooming appointment; should the circumstance occur that a dog is not picked up on time, they would stay in holding within the residence;
 - o Should the need arise for a dog to go to the bathroom they would be supervised in a fenced and screened area, as shown on the site plan, for no more than 15 minutes; feces are to be collected and disposed of immediately;
 - o This is not a boarding kennel, the customer dogs would stay in holding only if necessary and would not be permitted to stay overnight or roam the property. All customer dogs must be picked up prior to closing time of 5pm;
 - o There is anticipated to be up to 6 customer dogs per day and the landowner has 3 of their own personal dogs and those dogs will reside on the property. Therefore, this parcel will have a maximum of 9 dogs at any one time.
- Operations to be located in 1400 sq. ft. space on the main floor of the residence, and 1200 sq. ft. fenced backyard to the northwest of the residence to be used for bathroom usage only;
- Hours of operation: Mon-Sat, 8am – 5pm;
- No more than 6 business visits per day;
- No non-resident employees were considered with this application;
- No outdoor storage of business-related materials;
- All parking and loading is to occur wholly within the designated area north of the house and at the end of the driveway east of the house;

Home Based Business, Type II is a Discretionary Use under the Country Residential Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer, and subject to a 21-day appeal period.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of Home Based Business, Type II, on the subject parcel being a portion of Plan 1412800 Block 8 Lot 5; Ptn. SE 07-22-01 W5M has been considered by the Development Officer and is **REFUSED** subject to the following.

REFUSAL DESCRIPTION:

The County’s Municipal Development Plan supports economic development and provides direction that careful management of Home Based Businesses is necessary to minimize conflicts, particularly when located in the vicinity of existing residential development. Further, Home Based Businesses which cause minimal land use and neighborhood conflict are encouraged.

As per section 10.12 of Land Use Bylaw 60/2014, the purpose of a Home Based Business is to accommodate small, non-intrusive, low risk, low intensity developments to support business activities that can be integrated into, and are compatible with, adjacent non-commercial or non-industrial properties.

Section 10.13 Kennels of the Land Use Bylaw states:

- 10.13.1: Kennel provisions apply to the keeping of more than three (3) adults dogs (older than 6 months of age) at any one time on a lot containing a dwelling.
- 10.13.8: The keeping of 4 or more adult dogs owned by the resident(s) of the dwelling location on the same property shall be considered a Private Kennel.
- 10.13.11: The keeping of 4 or more adult dogs not owned by the resident(s) of the dwelling located on the same property for any such purpose shall be considered a Commercial kennel. Such uses may include but not limited to the purposes of breeding, boarding, caring for, grooming, and/or training of dogs.
- 10.13.12: A Commercial Kennel is discretionary use under Direct Control District #26. A redesignation to Directo Control District #26 is required for all commercial kennels in the County. If approved by Council, a Development Permit approval is also required.

Given the nearness of the subject parcel to existing Country Residential District properties in the area; that the number of dogs on the property exceeds 3 adult dogs, that access to the parcel is via a registered access easement that is shared with an adjacent parcel, and the opportunity for conflict with respect to nuisance and noise considerations, approval of this application by the Development Officer is not feasible.

This decision is considered a discretionary refusal, and if appealed will be given further consideration by the Development Appeal Board.

NOTES:

This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Sections 685(1) of the Municipal Government Act, a person affected by this decision has a right of appeal.