

Town of Wadena

Discretionary Use for Home Occupation: 201 2nd Ave NE

Submitted by: Jennifer Taylor

Regular Town Council Meeting

June 3, 2019

Background

A development permit application was received on May 10, 2019 for a home occupation at 201 2nd Ave NE. Home occupations are a discretionary use in all residential districts of Zoning Bylaw No. 87/2.

The purpose of this report is to advise Council on the public notice portion of the discretionary use process and seek Council's decision on this proposal.

Report

The application is for Spine Drivers Inc o/a Spine Design, a home and yard maintenance business (see Attachment A – Home Occupation Application #027). The business will occupy 200 ft² within the home and 1,000 ft² in the garage. The garage and shed will be used to store yard machines. The business employees 2 additional people and will park in the yard. The business utilizes a Ford Ranger which will be parked in the yard when not in use. One client visit per day is expected and clients will park in the driveway. There will be weekly delivery of supplies to the home. The business will have a 2' x 6' sign on the garage.

Public Notice

The Planning and Development Act, 2007 prescribes the public notice process for discretionary use applications. Property owners within 75 metres of the applicant's property boundary were notified of the date which Council is considering the discretionary use application for a home occupation. A copy of the notification is provided in Attachment B. Public notice must be provided at least 7 days before the application is to be considered by Council. Administration has complied with all requirements of the public notice process pursuant to *The Planning and Development Act, 2007*.

Notices were mailed to 32 property owners on May 16, 2019 regarding the proposed home occupation within the defined area. There was one responses received in support of the business as provide3d in Attachment C.

Financial

The current Zoning Bylaw does not prescribe a development permit fee, nor a schedule of fees to be charged for the application, review, advertising, approval, enforcement, regulation and issuance of a discretionary use. As such, the Town of Wadena must assume the cost of processing discretionary use applications. In addition to mailing costs, approximately 3 hours of staff time were spent preparing reports and public notifications, as well as document preparation and filing following Council's decision on the matter. The total expense of processing this application is approximately \$175.

Approved home occupations are subject to a license fee of \$25 as prescribed in Business License Bylaw No. 04-18.

Recommendation

Administration does not support the home occupation application for a home and yard maintenance business from 201 2nd Ave NE based on its non-compliance with Town bylaws.

The Town of Wadena Zoning Bylaw No. 87/2 specifies the following development standards and regulations:

- Home occupations may be accommodated provided they are secondary to the principal residential use of the dwelling unit, compatible with the surrounding residential area and do not vary from the residential character of the neighbourhood.
- Home occupations may locate in dwellings and/or garages or accessory buildings and all business activities must be conducted entirely indoors.
- Outdoor storage associated with a home occupation is not permitted.
- Home businesses must be operated by the resident or residents of the dwelling.
- Adequate on-site parking shall be provided.
- Home occupations are permitted to have one permanent sign and one window sign, each no larger than 0.5 m² (5.38 f²). Other than the permitted signs, exterior display or storage of materials is not permitted.

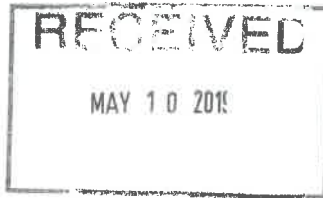
It is debateable whether the business is a secondary use to the principal residential use of the dwelling, and whether the current operation varies from the residential character of the neighbourhood. Although the application specifies that yard machines will be stored indoors which is compliant with the Zoning Bylaw, there are currently machines stored in the yard, as well machines displayed with a 'For Sale' sign in the front yard. The bylaw specifies that exterior display or storage of materials is not permitted. The sign on the garage specified in the application is non-compliant with the bylaw as it is not a window sign and exceeds the maximum size of 5.38 f². Not mentioned in the application, the front of the house has an "office" sign, lettering specifying services offered on all windows, a "complete home and yard maintenance sign" and a "for sale" sign.

Attachments

Attachment A – Home Occupation Application #027

Attachment B – Public Notification

Attachment C – Comments



Town of Wadena
Community & Economic Development
PO Box 730, Wadena, SK S0A 4J0
306.338.2145 | wadenapermits@sasktel.net
www.townofwadena.com

HOME OCCUPATION APPLICATION

DEVELOPMENT PERMIT AND BUSINESS LICENSE FORM

OFFICE
USE
ONLYDate Received May 10/19HOA# 027

CONTACT INFORMATION	Business name and/or Corporate name: <u>Spine Drivers Inc o/a Spine Design</u>				
	Civic address: <u>201 - 2nd Ave NE</u>		Business owner/contact name: <u>David Michael Pagnasink</u>		
	Mailing address: [REDACTED]		City/Town: <u>Wadena</u>	Province: <u>SK</u>	Postal code: <u>S0A 4J0</u>
	Phone number: [REDACTED]		Email: [REDACTED]		
	Website: <u>www.spinedesign.ca</u>			Preferred method of correspondence: <input checked="" type="checkbox"/> MAIL or <input type="checkbox"/> EMAIL	

BUSINESS DESCRIPTION	Detailed description of proposed business activities to be performed on site: <u>Complete Home + Yard Maintenance.</u>	
	Where will your business be conducted and how much floor area will be used?	
	In your home: <u>200</u> ft ² <input checked="" type="checkbox"/> m ² <input type="checkbox"/>	
	In your garage or accessory building: <u>1000</u> ft ² <input checked="" type="checkbox"/> m ² <input type="checkbox"/>	
	List any equipment or supplies used and identify where they will be stored: <u>Yard Machines - Garage + Shed.</u>	
	Do you have any employees or business partners who do not live at your home? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
	If yes, how many? <u>2</u>	
Of those employees or business partners, how many will work at your home? <u>2</u>		
Where will employees park? <u>In my yard</u>		
Do you expect to have clients coming to your home? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
If yes, approximately how many per day? <u>1</u> How many at one time? <u>1</u>		
Where will clients park? <u>In my driveway</u>		

BUSINESS DESCRIPTION	Will goods or materials related to the business operation be delivered to or from your home? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	If yes, what will be delivered and how often? <u>Supplies - weekly</u>
	Do you have a vehicle(s) associated with your business? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	If yes, describe the size and type of vehicle(s) <u>2009 Ford Ranger</u>
	Where will the business vehicle(s) park? <u>In my yard</u>
	Will you have a sign located on your property advertising the business? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
If yes, describe the sign location and dimensions <u>2' x 6' on my garage</u>	
Describe any exterior or interior alterations/renovations that will be made in connection with the proposed home occupation. <u>N/A</u>	

Do you reside at the business address? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Are you the registered owner of the property? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

BUSINESS DIRECTORY CONSENT

The Town of Wadena's website features a business directory. I authorize the contact information of the above business to be posted on the Town of Wadena website. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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DECLARATION OF APPLICANT

I hereby certify that the information contained in this application is complete and true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of *The Canada Evidence Act*.

May 15/19
Date

[Signature]
Signature of Applicant

OFFICE USE ONLY		
Discretionary use approval received by Council: YES <input type="checkbox"/> NO <input type="checkbox"/>		
Meeting date:		Resolution #:
Business License #:	License Fee: \$ <u>25.00</u>	Receipt #: <u>190041-029</u>
Issued by:		Date issued:
Comments:		



Attachment B - Public Notification

Town of Wadena

Community & Economic Development
PO Box 730 Wadena, SK S0A 4J0
P: 306.338.2145 F: 306.338.3804
E: wadenapermits@sasktel.net
www.townofwadena.com

MAY 16, 2019

Re: Discretionary Use Consideration of Town Council

Dear Sir or Madam,

The Town of Wadena has received a development permit application for a home occupation within 75 metres of your property. Home occupations are discretionary in all residential districts within Wadena, meaning all applications require the approval of Council. Under *The Planning and Development Act, 2007*, property owners within 75 metres of the subject property are to be notified in advance of the date when the application is to be considered by Council.

Please be advised of the following:

DISCRETIONARY USE: Residential – Home Occupation
APPLICANT: Spine Drivers Inc. o/a Spine Design
CIVIC ADDRESS: 201 2nd Ave NE
BUSINESS CLASSIFICATION: Home & yard maintenance

Written comments are welcome, although not required, and must be submitted to the Town Office prior to May 29, 2019. Council will consider the application at a meeting to be held:

DATE: Monday, June 3, 2019
TIME: 5:00 pm
LOCATION: Town of Wadena Council Chambers, 102 Main St N

If you have any questions about the application received or the process for discretionary use consideration, please contact me by phone 306-338-2145 or email wadenapermits@sasktel.net.

Sincerely,

Jennifer Taylor, RPP
INTERIM CHIEF ADMINISTRATIVE OFFICER

Enc: Comment Sheet



Town of Wadena

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**COMMENTS BY NEIGHBOURING PROPERTY OWNER ON THE PROPOSED
DISCRETIONARY USE**

DISCRETIONARY USE: Residential – Home Occupation
APPLICANT: Spine Drivers Inc. o/a Spine Design
CIVIC ADDRESS: 201 2nd Ave NE
BUSINESS CLASSIFICATION: Home & yard maintenance

We/I have reviewed the application and comment as follows: (use additional page if necessary)

NAME(S) (please print): _____
CIVIC ADDRESS: _____
DAYTIME PHONE NUMBER: _____
SIGNATURE(S): _____
DATE: _____

Please note, all comment sheets are provided to Council in a public forum.



Attachment C - Comments

Town of Wadena

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CIVIC ADDRESS: 201 2nd Ave NE
BUSINESS CLASSIFICATION: Home & yard maintenance

We/I have reviewed the application and comment as follows: (use additional page if necessary)

I believe he is an asset to the town.
We are lucky to have such an entrepreneur.

NAME(S) (please print): Claire Enright
CIVIC ADDRESS:
DAYTIME PHONE NUMBER:
SIGNATURE(S):
DATE: May 24 - 2019

Please note, all comment sheets are provided to Council in a public forum.