

REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD

DATE: October 31, 2024	APPEAL NO.: SDAB2024-0058 FILE NO.: DP2024-03018
APPEAL BY: Nirbhai Johal	
FROM A DECISION OF THE DEVELOPMENT AUTHORITY for a Temporary Use: Home Occupation - Class 2 (General Contractor) was refused at <u>8608 Metis Trail NE</u> .	LAND USE DESIGNATION: S-FUD Discretionary
COMMUNITY OF: Saddle Ridge	DATE OF DECISION: September 13, 2024
APPLICANT: Sunder Lumber Industries / Nirbhai Johal	OWNER(S): Nirbhai & Barinderjit Johal

Notes:

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature. The Board’s record may be viewed at the Appeal Board office at: 4th Floor, 1212 31 Avenue NE, Calgary, Alberta during regular office hours.

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee.

Municipal Address of Site Under Appeal [required]	8608 METIS TRAIL NE
Development Permit/Subdivision Application/File Number [required]	DP2024-03018
Name of Appellant [required]	NIRBHAI JOHAL
Agent Name (if applicable)	
Street Address [required]	3501 23 STREET NE UNIT #111
hdnFullAddress	3501 23 STREET NE UNIT #111 CALGARY AB T2E3Z7
City [required]	CALGARY
Province [required]	Alberta
Postal Code [required]	T2E 3Z7
Residential Phone # [required]	(604) 562-2877
Business Phone #	
Email Address [required]	INFO@SUNDERLUMBER.COM

APPEAL AGAINST

Required field. Check one item only: for multiple appeals you must submit another Notice of Appeal.

Development Permit Refusal

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons [required]

I am writing to appeal the decision to refuse Development Permit DP2024-03018 for my property at 8608 Metis TR NE, Saddle Ridge.

Efforts to Comply:

We have made significant efforts to comply with the conditions set during the previous approval:

- The lumber is now stored in a small, fenced parcel of the land, ensuring it is not visible to the public.
- We have also limited the number of trucks coming to the site to 1-2 times per week.

Clarification on Large Vehicles:

There may have been a misunderstanding regarding large vehicles. We have limited truck traffic and reduced the frequency of large vehicle visits.

Adjustments Made:

- The amount of lumber stored on-site has been reduced significantly, and we will maintain that going forward.
- We have restricted vehicle access to ensure that only 1-2 large vehicles come to the property per week.

We are committed to making sure our business activities do not interfere with the neighborhood. We kindly request reconsideration of our development permit.

Thank you for your time and consideration.

In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

Estimated Presentation Time

Will you be using an agent/legal counsel? [required]

No

Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.)? [required]

No

If yes, what are the issues?

Do you anticipate bringing any witnesses/experts to your hearing? [required]

No

If yes, how many will you be bringing?



I confirm and acknowledge that

- *I have read and understood this form;*
- *The information I have provided is accurate to the best of my knowledge; and*
- *I am responsible for paying the appeal fee and my notice of appeal will not be considered filed until my appeal fee has been received.*

Submission Date

2024-10-03 16:52:58 MST

This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, section 33(c) and the Municipal Government Act, Sections 678 and 686. THIS INFORMATION WILL BE USED FOR PROCESSING YOUR APPEAL AND WILL BECOME PART OF A PUBLIC AGENDA. If you have any questions regarding the collection of this information, contact the Tribunal Coordinator, City Appeal Boards at 403-268-5312 or PO Box 2100, Stn "M", #8110, Calgary, AB, T2P 2M5.

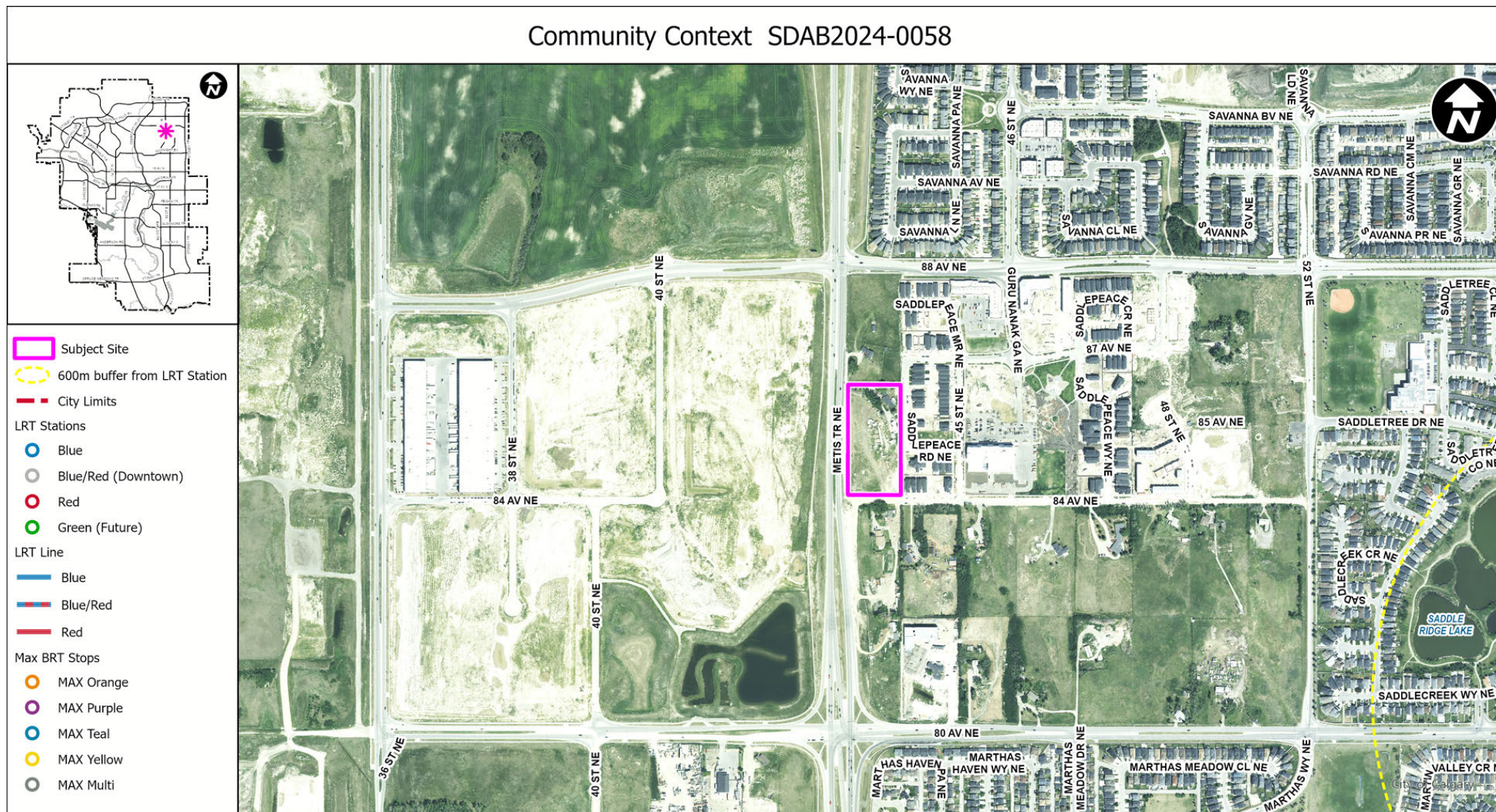
If you require further information regarding appeal deadlines and procedures, please contact the SDAB office at:

Website: calgary.ca/sdab

Phone: (403) 268-5312

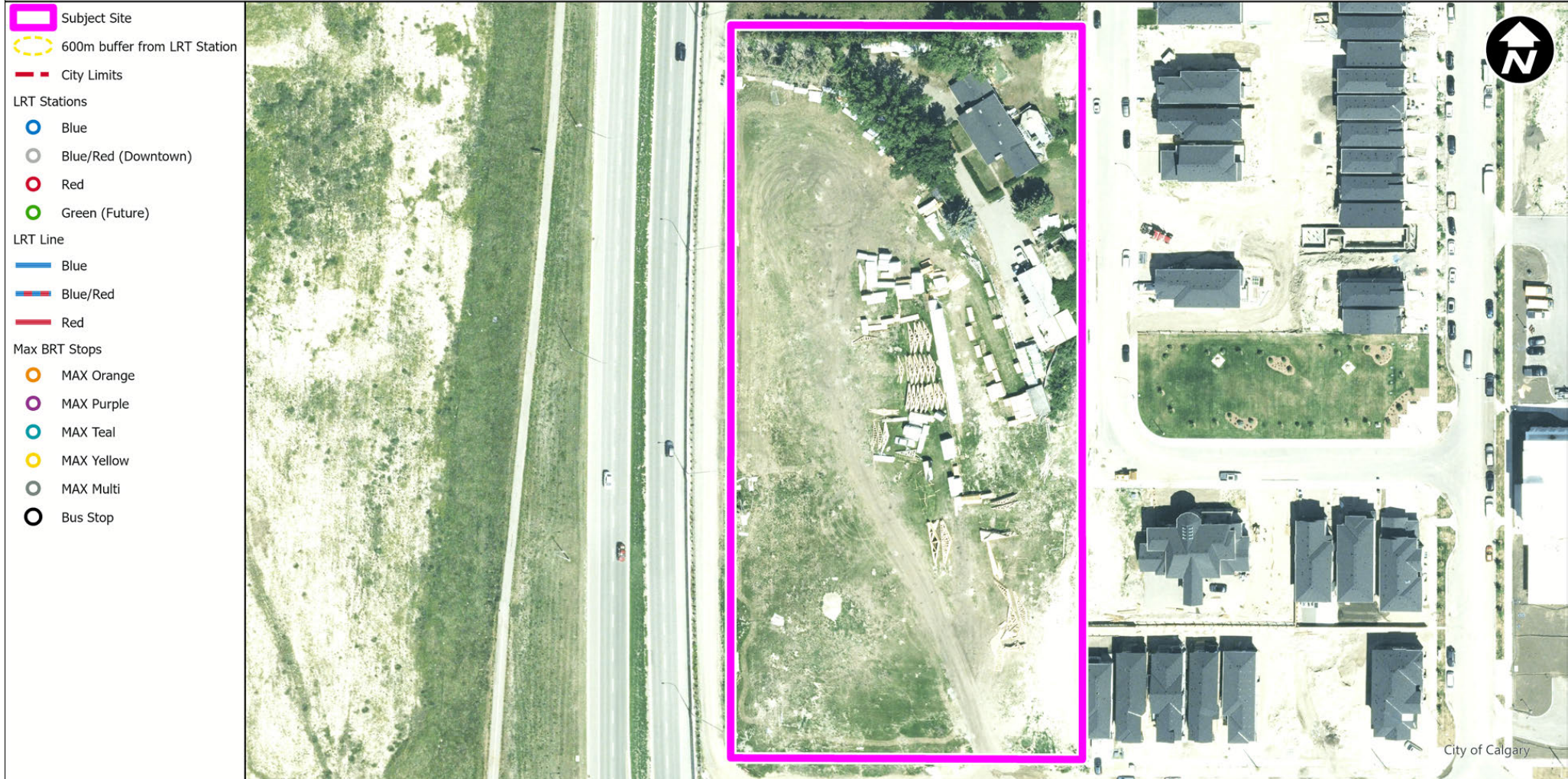
Email: info@calgarysdab.ca

Community Context SDAB2024-0058

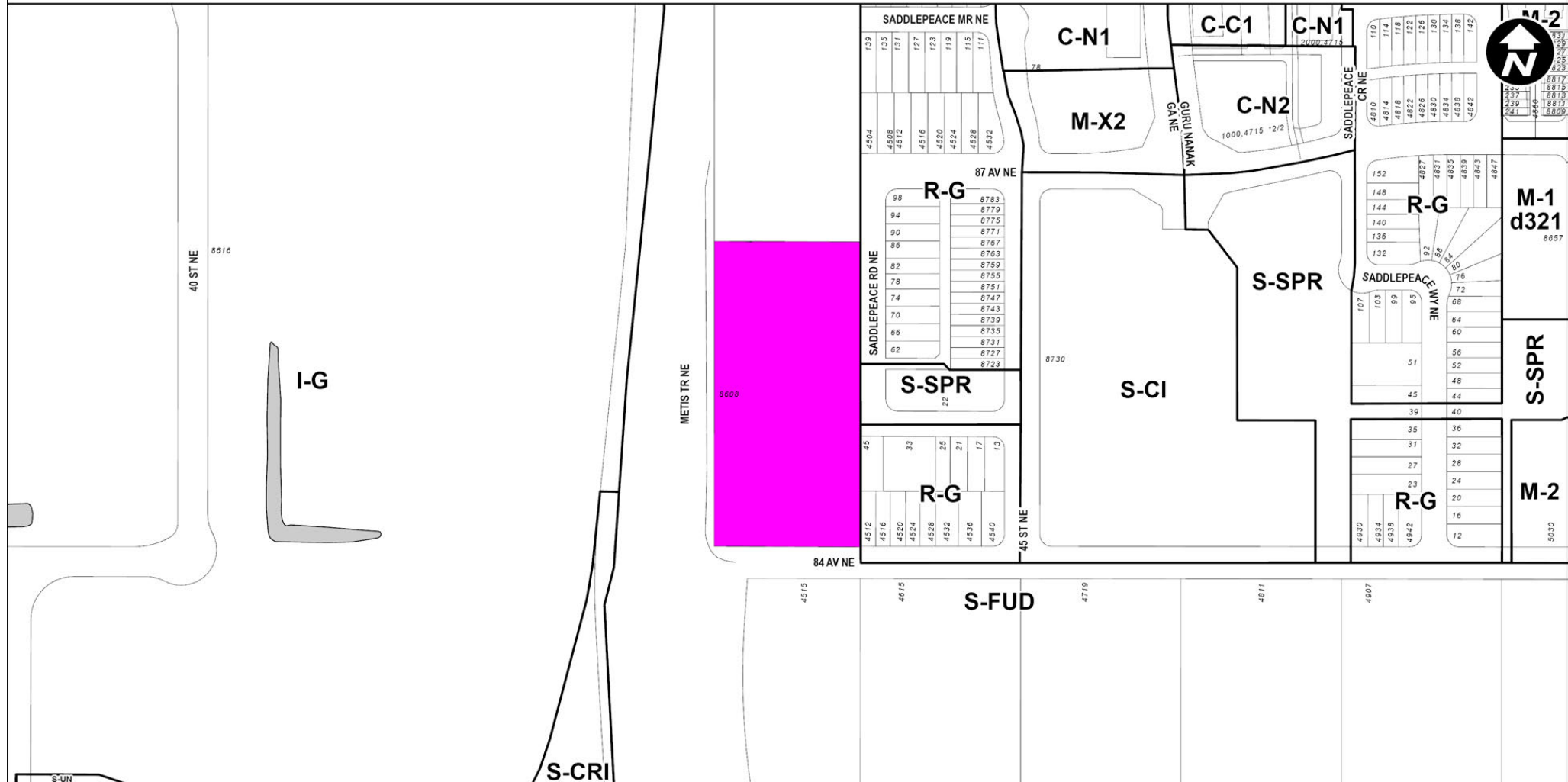


SDAB2024-0058

Site Context SDAB2024-0058



Land Use Districts SDAB2024-0058





September 13, 2024

SUNDER LUMBER INDUSTRIES
Nirbhai Johal



RE: Notification of Decision for DP2024-03018
Subject: Temporary Use: Home Occupation - Class 2 (General Contractor)
Address: 8608 METIS TR NE

This is your notification of the decision by the Development Authority to refuse the above noted Development Permit application on September 13, 2024. Attached are the Reasons for Refusal.

If you wish to appeal, submit your appeal with reasons and the \$200.00 filing fee to the Subdivision and Development Appeal Board within 21 days of this notice of decision being given. The appeal may be filed online at www.calgarysdab.ca or in person or by mail.

Should you have any questions or concerns, please contact me at 587-223-5896 or by email at wilson.cartagena@calgary.ca.

Sincerely,

WILSON CARTAGENA
Senior Planning Technician
Planning and Development



**DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

DP2024-03018

This permit relates to land in the City of Calgary municipally described as:

8608 METIS TR NE

Community: **Saddle Ridge**

L.U.D.: **S-FUD**

and legally described as:

6778AW;16

and permits the land to be used for the following development:

Temporary Use: Home Occupation - Class 2 (General Contractor)

The present owner and any subsequent owner of the above described land must comply with any attached conditions.

The development has been approved subject to any attached conditions and to full compliance with the approved plans bearing the stamp of approval and the above development permit number.

Decision By: **Development Authority**

Date of Decision: **September 13, 2024**

Development Authority: **Michele Yakemchuk**

File Manager: **Wilson Cartagena**

Release Date: _____

This permit will not be valid if development has not commenced by:

This is NOT a Building Permit

In addition to your Development Permit, a Building Permit may be required, prior to any work commencing. For further information, you should contact the City of Calgary, Planning, Development & Assessment - Building Regulations Division.

WARNING

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Applicant: **SUNDER LUMBER INDUSTRIES**

Address: **111 3501 23 St NE**

City: **Calgary, Alberta, T2E 6V8**

Phone: **4 [REDACTED]**



DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007

DP2024-03018

Complete Address and Legal Description listing for Development Permit DP2024-03018

Address Type	Address	Legal Description
Building	8608 METIS TR NE	
Parcel	8608 METIS TR NE	6778AW;16



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Reasons for Refusal for DP2024-03018

This document summarizes the development permit review and refusal reasons and includes information about the application process, Land Use Bylaw relaxations and other supporting information for the decision.

Proposed Use

This application is for a Home Occupation - Class 2 (General Contractor) at 8608 Metis TR NE in the community of Saddle Ridge. The parcel is designated Special Purpose – Future Urban Development (S-FUD) District under the Land Use Bylaw. Home Occupation – Class 2 is listed as a discretionary use in this district.

Planning Review and Analysis

During the review, the Development Authority considered the Land Use Bylaw rules, and the compatibility and impact of the proposed development on adjacent development and the neighbourhood.

The application proposes to operate a home-based lumber business. This is the second application for this business. The previous approval was for 18 months with specific conditions regarding outside storage. Those conditions were: the home occupation must not occupy more than the outside area approved for storage, all material may be stacked on a hard surface, outside storage may not be stacked higher than 3.0 meters (10 feet), and lumber material may be stacked on a soft surface.

At the time of approval, the adjacent east lands were not fully developed with housing, and a temporary home-based business was suitable for the parcel. However, those lands have been developed and the context of the area has changed significantly from an open field to a residential street.

This application proposes to continue the home-based business, however, with some changes which include using only the yard for lumber storage and not using the house. The application form states that 50,000 ft² of the parcel will be used for storing lumber and that there will be no large vehicles at the site. However, during the application review, information was received indicating that there are large tractor-trailers delivering lumber to the parcel and creating disturbance to the adjacent neighbours.

The business does not comply with the land use bylaw rules for a home occupation -class 2. Specifically, section 208 (k) a home occupation 'must not have any activities related to the use take place outside of a Dwelling Unit, which includes the outside storage of materials, tools, products, or equipment.' Construction materials are stored all over the parcel, large vehicles are parked within the parcel, and they are delivering material to the parcel. The Development Authority was informed about a complaint regarding the regular parking of large vehicles on the property and their passage through the residential area. A site visit confirmed the outside storage of construction materials.

The property is zoned for future urban development, which permits temporary uses such as home-based businesses. Allowing temporary home-based businesses enables the Development Authority to review compliance with these temporary uses and their potential impact on neighbouring properties.

However, the scale of the business on this property, which includes large tractor trailers delivering lumber and substantial outdoor storage of product, overwhelms the area and significantly interferes with neighbouring properties. The presence of large vehicles is restricted in residential areas to preserve the neighbourhood's



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appearance, and home occupation regulations are in place to ensure that businesses operating from homes do not significantly impact the surrounding area.

After thorough consideration, the Development Authority has determined that approving this application would result in development that is not in harmony with the neighbourhood and exceeds the acceptable scale for a residential area. The proposed business does not align with the context of a residential neighbourhood and the relevant Land Use Bylaw regulations. Furthermore, this business does not meet the definition of a Home Occupation – Class 2, 'the incidental use by a resident of a Dwelling Unit for business purposes. It would be more suitable for the business to operate in an industrial district where outdoor storage and large vehicles are permitted and expected.

Decision

For the above-noted reasons, this application is refused.

M. Yakemchuk
Michele Yakemchuk, Development Authority

September 13, 2024
Date



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Attachments for DP2024-03018

Site and Context

The subject site is an acreage facing Metis TR NE. The parcel borders Saddlepeace RD NE to the east, 84 AV NE to the south, and a large residential parcel to the north.

Access to the parcel is from 84 AV NE and Saddlepeace RD NE. Saddlepeace RD NE is undergoing residential housing construction.



Process

Notice Posting	Notice Posting was required as per section 27 of the Land Use Bylaw.
Circulation	Saddle Ridge Community Association Ward 5 Councillor
Public Responses Received	Yes, comments not supporting the application were received.
Bylaw Review	The application does not comply with the bylaw.

Key Land Use Bylaw Provisions

Discretionary Use Development Permit Application

35 When making a decision on a *development permit* for a *discretionary use* the *Development Authority* must take into account:

- (a) any plans and policies affecting the parcel;
- (b) the purpose statements in the applicable land use district;
- (c) the appropriateness of the location and parcel for the proposed development;
- (d) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;
- (e) the merits of the proposed development;
- (j) sound planning principles.

Discretionary Use That Does Not Comply



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- 36** The **Development Authority** may approve a **development permit** application for a **discretionary use** where the proposed **development** does not comply with all of the applicable requirements and rules of this Bylaw if in the opinion of the **Development Authority**:
- (a) the proposed **development** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.

Applications the Development Authority Must Refuse

- 40** The **Development Authority** must refuse a **development permit** application when the proposed **development**:
- (b) is for a use containing a restriction in its definition that is not met by the proposed use;

208 "Home Occupation — Class 2"

- (a) means the incidental use by a resident of a Dwelling Unit for business purposes;

Interpretation

130 (3) All subsections and clauses that precede the subsection indicating within which group of uses a use belongs in Schedule A are part of the definition of that use and must not be relaxed in accordance with section 40. All subsections and clauses that follow the use classification are rules and may be relaxed at the discretion of the Development Authority, in accordance with section 31 or 36, unless this Bylaw specifically provides that it is a rule that must not be relaxed.

(81) "large vehicle" means a vehicle, other than a **recreational vehicle**:

- (a) with a **gross vehicle weight** stated by the manufacturer, vehicle signage, or vehicle registration, to be in excess of 4536 kilograms;
- (b) with one or more of the following characteristics:
 - (i) tandem axles;
 - (ii) a passenger capacity in excess of 15 persons; or
 - (iii) dual wheels where the vehicle includes a flat deck or other form of utility deck; or
- (c) that can be generally described as a:
 - (i) bus;
 - (ii) cube van;
 - (iii) dump truck;
 - (iv) flatbed truck; or
 - (v) tractor, trailer, or tractor trailer combination.

344 (4) A **large vehicle** must not remain on a **parcel** except while actively engaged in loading or unloading. Only one **large vehicle** may remain on a **parcel** while actively engaged in loading or unloading.

Bylaw Relaxations

Regulation	Standard	Provided
208 Home Occupation — Class 2	(a) means the incidental use by a resident of a Dwelling Unit for business purposes;	The business is not incidental and operates at a scale and intensity beyond the intent of the Land Use Bylaw.
	(c) may have more than three (3) business associated vehicle visits per week which includes but is not limited to drop-offs, pick-ups, deliveries, and visits from customers or consultants	Comments received during the review noted the business has a significant number of large vehicle visits to and from the property.



	(k) must not have any activities related to the use take place outside of a Dwelling Unit, which includes the outside storage of materials, tools, products or equipment;	Construction material is stored outside on the parcel.
	(l) may only have one (1) vehicle, associated with the use, provided that vehicle is not a large vehicle;	Photographs show large vehicles parked on the parcel.

Site Photos





Development Permit Application
Online Submission

Application Information	
Applicant Details	
<input checked="" type="checkbox"/> Business Owner <input type="checkbox"/> Property Owner <input type="checkbox"/> Agent Representing Business or Property Owner	
Applicant Name Nirbhai Johal	Applicant Contact Information
Representing Company (if applicable) Sunder Lumber Industries Ltd.	Phone: [REDACTED]
Business Trade Name SUNDER LUMBER INDUSTRIES	Email: [REDACTED]
Business ID [REDACTED]	Mailing Address: 3501 23 ST NE UNIT #111, CALGARY Alberta Canada T2E6V8
Owner / Leaseholder Name Nirbhai Johal	Owner / Leaseholder Contact Information
	Phone: [REDACTED]
	Email: [REDACTED]

Business Location Details	
<input type="checkbox"/> Commercial Based <input checked="" type="checkbox"/> Home Based <input type="checkbox"/> Based Out of Town <input type="checkbox"/> Mobile <input type="checkbox"/> Personal Services	
Application Address 8608 METIS TR NE	
LUD S-FUD, Special Purpose - Future Urban Development	Existing Use(s) Not Available

Home-Based Business Questionnaire
General Information
Q1: Do you live in the home associated to your business?
A1: Yes
Q2: Do you own or rent the home associated with the home occupation?
A2: Own

Home Occupation Business Areas

Q1: What is the total floor area of the home (including basement area)?

A1: 99999 ft²

Q2: How much of the total floor area will be used for your business?

A2: 50000 ft²

Q3: What room(s) within the home will be used for the business?

A3: Outside storage only

Q4: Will this business use the garage or an accessory residential building (such as a shed) for storage?

A4: No

Q5: Will this business use the garage or an accessory residential building (such as a shed) for business related activities?

A5: No

Q6: Will there be outside storage of materials, goods, or equipment on or near the site?

A6: Yes

Q7: What type of materials, goods, or equipment will be stored outside on the property?

A7: Lumber material only

Q8: Where is it being stored?

A8: On the outside property

Business Operation

Q1: What days of the week will the business operate? (Select all that apply)

A1: Monday;Tuesday;Wednesday;Thursday;Friday

Q2: Between what hours of the day will the business operate?

A2: From 10:00 AM To: 5:00 PM

Q3: Not including those living in the home, will you have employees working at the residence? (Note: question should only be answered “yes” if there are employees coming to work at the home who do not live there)

A3: No

Q4: What will be the total number of vehicles visiting the business per week?

A4: 0

Q5: How many business-related vehicle visits to the home will occur:

A5:

	# of visits per day	# of visits per week
Clients	0	0
Couriers	0	0
Employees	0	0

Q6: Will the business create dust, noise, odour, smoke (including cooking indoors)?

A6: No

Vehicles and Parking

Q1: What will be the total number of vehicles associated with the business?

A1: 0

Q2: How many vehicles can be parked on the property (including driveways/garages/parking pads)?

A2: 0
Q3: Will the business have any Large Vehicles?
A3: No

Business Activity Questionnaire
Activity type selected General Contractor
Q1: Will the business accept deposits or progress payments from home owners before all work is complete? A1: No <i>Licence Types:</i> <i>CONTRACTOR (NO PROVINCIAL LICENCE REQUIRED)</i>
Q2: Will any products be manufactured at your home? A2: No
Q3: Will the business include the sale of any retail products? (*NOTE* City bylaws do not permit the direct sale of products from your home to walk up customers.) A3: No
Q4: Will the business clean commercial buildings or private residences? (Adds {"Cleaning Service"}Cleaning Service means the business of contracting for the cleaning of the interior of offices, homes and other premises including the washing of the exterior or interior of windows and walls, or for cleaning rugs, carpets, upholstery, chimneys and furnaces, or for the supply of janitorial and caretaker services.) licence) A4: No

Planning Terms Home Occupation - Class 2	Licence Types CONTRACTOR (NO PROVINCIAL LICENCE REQUIRED)
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Approvals Generated
Q1: Would you like to apply Business Licence now? A1: No – I will apply at a later date or someone else will apply on my behalf Q2: Would you like to apply Development Permit now? A2: Yes - apply now

Submitted Documents
Document Type: SUPPORTING DOCUMENT Document SubType: PHOTOS Document Name: WhatsApp Image 2024-04-29 at 12.56.09 PM (1).jpeg
Document Type: SUPPORTING DOCUMENT Document SubType: OTHER Document Name: DP2022-06172-90 Day Notice-(2024-01-31) (1).pdf

The personal information obtained on this form is being collected under the authority of section 33(c) of the FOIP Act. This information is being collected for the purpose of our inspection processes (if required) and will be disclosed to relevant City Business Units, Federal and Provincial agencies, Utility companies, Community Associations/Groups/Organizations, Adjacent Municipalities, Municipal school boards and/or any agencies required for review as part of the application review process. It may also be used to conduct ongoing evaluations of services received from Planning & Development. The name of the applicant and the nature of the application will be available to the public, as authorized by the FOIP Act. You may direct questions about the collection, use or disclosure of your personal information by the City of Calgary at 800 Macleod Trail SE Calgary, Alberta in relation to this program by emailing the FOIP Program Administrator for Planning and Development at plngbldg@calgary.ca or by telephone at (403)268-5311.

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1. Interpretation

These **Online Application Consent and Confirmation of Applicant** supplement, and shall be interpreted consistently with, the general Terms of Use for the City of Calgary's website, found at the bottom of each web page.

2. Accuracy of Information Submitted

You acknowledge and agree that your electronic submission of information to The City of Calgary ("The City") using this Online Application is true and accurate and is intended to be your permit application to The City.

3. Consent to Electronic Decision

I agree that The City can issue its formal decision to in electronic form (e.g. electronic mail) to the email address provided through the Online Application. If my email address changes I will advise The City of the new email address or provide a mailing address for the formal approval.

4. Electronic Submission

Except as may otherwise be required by The City, you must only submit, provide and accept information or records related to your application in electronic form and you will not re-submit your application in paper form. The City does not guarantee that the entire electronic permit application process will be completed electronically, and The City reserves the right in its sole discretion to require you to submit information and records relating to your application in paper form.

5. Complete Application

I acknowledge that The City may inactivate or cancel incomplete permit applications that do not contain all of the requested information at The City's sole discretion.

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Any information, including personal information, contained in a permit application submitted by using this site is being collected under the authority of The Calgary Building Permit Bylaw 64M94 (for Building Permits) or the Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) (for Development Permits) as well as the *Alberta Freedom of Information and Protection of Privacy Act* ("FOIP"), Section 33(a) and (c). This information will be used for The City's permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services for purposes related to these processes. Information may also be used by The City to conduct ongoing evaluations of services received from The City's Planning and Development Department. The name of the applicant and the nature of the permit will be made available to the public as authorized by FOIP. Please send inquiries by mail to the FOIP Program Administrator, Planning and Development, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

9. Alberta Law

You agree to be bound by Alberta law when using this Online Services Site and agree that any court proceedings or other legal action will take place in Alberta.

10. No Damage or Modification of Site

You agree that you will not take any action to damage, modify, or breach the security of this Online Services Site, or cause the Online Services Site to no longer be available for use. You agree not to impersonate or misrepresent your association with any other person. You agree that you will not submit any information that is harmful, unlawful, or otherwise objectionable.

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12. Security of Account Information

You are responsible for protecting the confidentiality of any account information, user names, logins, passwords, security questions and answers, and other information you might need to access and use this Online Services Site. You are responsible for all activities occurring under your account, user name, or login. You agree to notify The City if you suspect that your account, user name, or login is not secure or is being used for an inappropriate purpose.

13. Violation of Terms of Use

Any rights you have to use this Online Services Site will terminate immediately upon any violation of these Online Services Terms of Use. The City may, in its sole discretion, temporarily or permanently terminate your access to and use of this Online Services Site, at any time, for any reason, without notice or liability to you. The City is not liable for any damages resulting from its termination of your access to, or use of, this Online Services Site.

14. Copyright

I acknowledge and understand that, as part of The City's process in reviewing, evaluating, and processing the permit application, The City will need to make available, in print and digital form, copies of the application materials to relevant City business units, members of City council, utility providers, other municipalities, municipal school Boards, relevant community associations/groups/organizations (including their boards of directors and planning committees), members of the general public, and any other external agencies or third parties whose input is required by The City in connection with the processing of your application. I hereby (i) consent to The City's copying, reproduction, distribution, and communication of the permit application materials, in any material form and via any medium, as required for the purpose of enabling The City to process your application; and (ii) certify that I am authorized and have the right to grant such consent.

15. Condominium Property

I have all authorizations required under the Condominium Property Act, RSA 2000, c C-22, as amended or replaced, the bylaws of the Condominium Corporation, and otherwise in law to apply for this application if it is respecting condominium property. I further agree to immediately notify The City, in writing, of any changes regarding this information.

Development Permit Application Requirements

I am authorized to apply for this permit in accordance with section 26 (1) of the Land Use Bylaw 1P2007 as amended.



June 4, 2024

SUNDER LUMBER INDUSTRIES
Johal, Nirbhai



Dear Applicant:

RE: Detailed Review (DR)

Development Permit Number: DP2024-03018

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

The City endeavors to render decisions on applications within specific service standards. Please assist us in meeting these targets by ensuring your resubmission is complete and made in a timely manner. Please submit a digital set of the amended plan, in PDF format, along with a detailed response letter on how each of the Prior to Decision and/or Prior to Release conditions have been addressed and/or resolved.

This information must be received, in its entirety, no later than July 4, 2024. If a complete submission is not received by this date, the development permit may be inactivated and subject to a reactivation fee. If the development permit application is not reactivated, it may be cancelled by Administration as per Land Use Bylaw 1P2007, Section 41.1. If you require additional time to respond to the conditions outlined in this Detailed Review document, please let me know by contacting me.

Should you have any questions or concerns, please contact me at 587-223-5896 or by email at wilson.cartagena@calgary.ca.

Sincerely,

WILSON CARTAGENA
Senior Planning Technician



Detailed Review 1 – Development Permit

Application Number:	DP2024-03018
Application Description:	Temporary Use: Home Occupation - Class 2 (General Contractor)
Land Use District:	Special Purpose - Future Urban Development
Use Type:	Discretionary
Site Address:	8608 METIS TR NE
Community:	SADDLE RIDGE
Applicant:	SUNDER LUMBER INDUSTRIES
Date DR Sent:	June 4, 2024
Response Due Date:	July 4, 2024
Planning:	WILSON CARTAGENA 587-223-5896 wilson.cartagena@calgary.ca

General Comments

This application is for a home occupation for a general contractor whose business activities involves lumber, trusses, joists, treated wood and roof shingles for garages. The parcel has no lane and is adjacent to a residential district. Property has an active complaint file for large vehicles parked regularly on property and going in and out full of material through the residential area. There is also a lot of construction material storage outside the premise, and business is advertised to the general public.

Circulation:

Application was circulated to:

Community Association: No comment was provided.

Ward councillor: No comment was provided.

Prior to Decision Requirements

The following issues must be addressed by the Applicant through a written submission and amended plans prior to a decision by the Approving Authority:

Planning

Track your application on-line with VISTA. Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

1. The development, as proposed, is not supported for the following reasons:
 - Construction material is storage all over the parcel, large vehicles are parked within the parcel and going in and out full of material on the residential roads adjacent to this parcel.
Address is advertised to general public.
The Land Use Bylaw states: There must not be any activities related to the home occupation taking place outside of a building and there must not be outside storage of materials, tools, products or equipment on, or immediately abutting the parcel.
Must not advertise the address of the use to the general public.
May only have one (1) vehicle, associated with the use, provided that vehicle is not a large vehicle.

Indicate, in writing, the manner in which the application will proceed:

(A) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority. The refusal will be based on the comments listed above.

OR

(B) **Amend** the application to address all prior to decision conditions of this detailed review (DR).

If option (B) is pursued, the last day to respond to the detailed review is thirty days from the date the detailed review was issued (see cover page of detailed review for exact date).

Samnick, Cyrille

From: Davidson, Bryan
Sent: Tuesday, April 2, 2024 11:02 AM
To: Cartagena, Wilson A.
Subject: RE: 8608 Metis Trail NE DP2022-06172

Good morning,

Thank you for this.

Our complaint file remains open however Isaac has been off for an extended period, so this hasn't been actioned in some time.

I note the DP is set to expire this month. I'm not seeing any new application and the tracking of mud is more of a General Bylaw concern.

I will add your email to the complaint file.

Please let me know if there are any questions.

Thank you

From: Cartagena, Wilson A. <Wilson.Cartagena@calgary.ca>
Sent: Wednesday, March 27, 2024 11:10 AM
To: Davidson, Bryan <Bryan.Davidson@calgary.ca>
Subject: FW: 8608 Metis Trail NE DP2022-06172

Hello Bryan,

I hope this email find you well.

I have received this morning a phone call from Blaine (see attached email) asking questions about the above DP application for the Lumber business Home Occupation Class 2. I provided all the information he asked and now he sent me the attached email. Maurie Loewen suggested to forward the email to you for your record.

Thank you so much for all your help.

Regards,

Wilson Cartagena Arch.

Senior Planning Technician
 Development & Subdivision Application Services | Community Planning

Planning & Development Services
 The City of Calgary, P. Box 2100, Station 'M', Calgary, Alberta, T2P 2M5
 T 587.223.5896 | F 403.537.3024 wilson.cartagena@calgary.ca



From: Loewen, Maurie <Maurie.Loewen@calgary.ca>
Sent: Wednesday, March 27, 2024 9:55 AM
To: Cartagena, Wilson A. <Wilson.Cartagena@calgary.ca>
Subject: FW: 8608 Metis Trail NE

Bryan Davidson

From: Davidson, Bryan <Bryan.Davidson@calgary.ca>
Sent: Wednesday, May 17, 2023 1:00 PM
To: Loewen, Maurie <Maurie.Loewen@calgary.ca>; Kareem, Isaac <Isaac.Kareem@calgary.ca>
Cc: Cartagena, Wilson A. <Wilson.Cartagena@calgary.ca>
Subject: RE: 8608 Metis Trail NE

Thanks Maurie.

Don't think we need to meet on this. Appreciate the offer though.

Bryan Davidson

Senior Development Inspector
 Building Safety & Inspection Services/Development Inspection
 Planning & Development Services
 The City of Calgary | Mail code: #231
 T 403.700.0205 E bryan.davidson@calgary.ca
 P.O Box 2100, Station M, Calgary, AB Canada T2P 2M5

From: Loewen, Maurie <Maurie.Loewen@calgary.ca>
Sent: May 16, 2023 8:13 PM
To: Davidson, Bryan <Bryan.Davidson@calgary.ca>; Kareem, Isaac <Isaac.Kareem@calgary.ca>
Cc: Cartagena, Wilson A. <Wilson.Cartagena@calgary.ca>
Subject: RE: 8608 Metis Trail NE

I'm going to be out of the office starting Friday. Should we meet before then to clear up any final questions? My Thursday afternoon is fairly open.

Maurie

From: Davidson, Bryan <Bryan.Davidson@calgary.ca>
Sent: Tuesday, May 16, 2023 9:27 AM
To: Loewen, Maurie <Maurie.Loewen@calgary.ca>; Kareem, Isaac <Isaac.Kareem@calgary.ca>
Cc: Cartagena, Wilson A. <Wilson.Cartagena@calgary.ca>
Subject: RE: 8608 Metis Trail NE

Good morning,

Isaac and I have met on this and he's been out to the site.

There's still some background work to be done on it prior to any direction to the property owner.

Thank you

Bryan Davidson

Senior Development Inspector
Building Safety & Inspection Services/Development Inspection
Planning & Development Services
The City of Calgary | Mail code: #231
T 403.700.0205 E bryan.davidson@calgary.ca
P.O Box 2100, Station M, Calgary, AB Canada T2P 2M5

From: Loewen, Maurie <Maurie.Loewen@calgary.ca>
Sent: May 12, 2023 5:15 PM
To: Davidson, Bryan <Bryan.Davidson@calgary.ca>; Kareem, Isaac <Isaac.Kareem@calgary.ca>
Cc: Cartagena, Wilson A. <Wilson.Cartagena@calgary.ca>
Subject: FW: 8608 Metis Trail NE

Hi Bryan and Isaac;

How's our investigation of this site going?

I drove past yesterday and the place looked like a lumber yard. I know it's the nature of contractor work to push a bit outside on approvals. I accept it as part of the job and for the most part don't mind. But what I saw was rather disappointing.

Are you far enough along in the investigation that we should meet to discuss a plan? I assume a new DP will be coming in and the Councilor's office will have more questions.

Maurie

From: Loewen, Maurie
Sent: Thursday, May 4, 2023 4:41 PM
To: CAWARD5 - Rajwinder Dhillon <caward5@calgary.ca>
Cc: Kareem, Isaac <Isaac.Kareem@calgary.ca>; Davidson, Bryan <Bryan.Davidson@calgary.ca>; Cartagena, Wilson A. <Wilson.Cartagena@calgary.ca>
Subject: RE: 8608 Metis Trail NE

Hello Isaac,

Here are some answers to help you along:

Last year's approval allowed the contractor to finish out last years construction season as well as use the space for this season.

Specific to the questions:

- The current approval expires in April 2024. Inspections will determine if the conditions of the current approval are being followed. Isaac Kareem and Bryan Davidson are with our enforcement team and will be determining if the conditions are being followed. They will give the applicant choices as how to resolve any non-compliance issues found.

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- Complainant information cannot be disclosed. Issues however relate to concerns about the appearance and level of intensity in a residential area. Although adjacent to Metis trail, access to this site is now exclusively through the adjacent residential area.
- Time frames will be established by Isaac and Bryan as they gather evidence and have a fuller understanding of what's happening on site. The business may apply for a new Development Permit, at which point timing can also be a discussion.

Here's some extra background:

- Last year the contractor was involved in hail repairs. They were having trouble getting a consistent on demand supply due to Covid supply chain issues so they ordered a surplus of shingles which they stored in the area around the house (on the north end of the parcel). The shingles were in the front and rear yard.
- Wilson and I met them on site, by then most of the shingles had been installed. During the site visit we did observe a lift of lumber and pre-fabricated roof trusses being stored in the field south of the house. It was explained these were common sizes which were again ordered in surplus due to the unpredictable nature of the supply chain at that time.
- They indicated that they didn't know what was going to happen for the 2023 season, so they were hoping to order more items to keep on site for 2023. They also indicated they're in the process of transitioning to an industrial area.

We'll keep you up to date.

Kind Regards,

Maurie Loewen

Leader, Development Services
Development & Subdivision Applications Services
Community Planning
Planning & Development

T. 403.333.5348 | E. maurie.loewen@calgary.ca



Check out www.calgary.ca/pdmap to learn more about the development activity in your community.

From: CLWARD5 - Kamaljit Kaur <CLWARD5@calgary.ca> **On Behalf Of** CAWARD5 - Rajwinder Dhillon

Sent: Tuesday, May 2, 2023 11:46 AM

To: Loewen, Maurie <Maurie.Loewen@calgary.ca>

Cc: Kareem, Isaac <Isaac.Kareem@calgary.ca>; Davidson, Bryan <Bryan.Davidson@calgary.ca>; Cartagena, Wilson A. <Wilson.Cartagena@calgary.ca>

Subject: RE: 8608 Metis Trail NE

Hi Maurie & Team,

This is Kamaljit, the Communications Liaison for Ward 5. Since Rajwinder is on leave for a short duration, I would be covering up for her in the meantime.

Thanks for bringing this into the notice of Ward 5. As per the conversation with the Clr, the following queries need your kind attention:

- The expiry of the deadlines of the approvals provided; Moreover, by approvals we mean that they had more outdoor storage material than what was anticipated & approved for?
- The types of complaints which have been received
- Enlist the time frame within which the land owner did a commitment to have & move to a commercial location

We shall reach you out if we've any more queries on this. In the meantime, we appreciate you guys for keeping us posted with any further updates.

Thanks & Regards,

Kamaljot Kaur (she/her), **M.Tech.**

Communications & Community Liaison

Councillor Raj Dhaliwal - Ward 5

[Subscribe to the Ward 5 Newsletter!](#)

Proudly recognizing the traditional territories of the Blackfoot Confederacy (Siksika, Kainai, Piikani), the Tsuut'ina, the Îyâxe Nakoda Nations, the Métis Nation (Region 3), and all people who make their homes in the Treaty 7 region of Southern Alberta

From: Loewen, Maurie <Maurie.Loewen@calgary.ca>

Sent: Friday, April 28, 2023 5:30 PM

To: CAWARD5 - Rajwinder Dhillon <caward5@calgary.ca>

Cc: Kareem, Isaac <Isaac.Kareem@calgary.ca>; Davidson, Bryan <Bryan.Davidson@calgary.ca>; Cartagena, Wilson A. <Wilson.Cartagena@calgary.ca>

Subject: 8608 Metis Trail NE

Hello Rajwinder,

I'm not sure if you remember 8608 Metis Trail NE. A business with outdoor building material storage is being run from an acreage. Wilson and I met the business owner on site to outline some rules. We gave a fairly generous approval to help get the business through some Covid supply chain issues and to give them some time to set up their commercial location. We also explained further approvals would be difficult as we expected the vacant lots in the area to be quickly built out to housing.

We've started receiving complaints about the operation. Initial evidence makes it appear that they exceeded their approval by a fair bit. Isaac Kareem is in the early stages of investigating. I've CC'd him, and the Senior Development Inspector, Bryan Davidson on this email so that you have contacts within that team.

I'm not typically involved in the inspection and investigation stage; however, I will likely be involved if more permits are applied for. It will be difficult to support further approvals here as the neighbourhood around this acreage is being built quickly and further approvals will be even more challenging than the first.

Kind Regards,

Maurie Loewen

Leader, Development Services

Development & Subdivision Applications Services

Community Planning

Planning & Development

T. 403.333.5348 | E. maurie.loewen@calgary.ca



Check out www.calgary.ca/pdmap to learn more about the development activity in your community.



January 31, 2024

Nirbhai Johal
SUNDER LUMBER INDUSTRIES
8608 METIS TR NE
Calgary, Alberta T3J4G1

Dear Sir/Madam:

Re: DP2022-06172
Address: 8608 METIS TR NE
Subject: Temporary Use: Home Occupation - Class 2 (Wholesaler) 18 Months

The above temporary Development Permit is set to expire and **requires re-application by March 31, 2024** to be charged a reduced fee. Applications received after this date will be charged the full application fee.

To find the appropriate requirement list for your application, visit www.calgary.ca/requirementlists or contact the Planning Services Centre at 403-268-5311.

If you do not re-apply for your approval, **this Development Permit will expire on April 30, 2024**. This letter will serve as reminder that when the Development Permit expires, the use or activity listed above shall be discontinued. A new Development Permit and approval will be required to resume the use or activity. If this approval is for a Business Licence, your licence will no longer be valid after this date without a new approval.

If you have already applied for a new Development Permit or are no longer engaged in the use referred to in this letter, please disregard this notice.

Thank you for your attention to this matter.

Planning & Development
PO Box 2100, Station M (Mail Code 8108)
Calgary, AB T2P 2M5



Re: DP2024-05956 COMPLETENESS REVIEW - #116 5718 1A ST SW

Dear Applicant,

I am the file manager who will be leading the review of your development permit application.

A review of your application has been undertaken and it has been determined that your application is a complete application. A comprehensive review is now underwa

For more information about the development permit process please visit www.calgary.ca/dpprocess.

Please track your application, using your Job Access Code (JAC) DP2024-05956-06154, at www.calgary.ca/vista.

Should you have any questions or concerns, please contact me at your convenience.

Regards,

Cindy Cheng
Senior Planning Technician
Cindy.Cheng@calgary.ca
(368) 887-0731
www.calgary.ca/PDMap

Samnick, Cyrille

From: Sunder Lumber Industries [REDACTED]
Sent: Thursday, July 4, 2024 11:13 AM
To: Cartagena, Wilson A.
Subject: [External] Re: DP2024-03018 Deadline Reminder - 8608 METIS TR NE
Attachments: Site Picture.pdf; DP2024-03018 - Development Permit.pdf

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Hello,

Please find our attached response and pictures.

On Sat, 29 Jun 2024 at 02:00, <wilson.cartagena@calgary.ca> wrote:



Dear Applicant,

This is an automated reminder that your timeline to submit amended plans and a response to the Detailed Review is approaching. Please submit the requested information by July 4, 2024.

If the information is not received by the above date, your application may be inactivated and administratively cancelled as per Land Use Bylaw 1P2007, Section 41.1

If you have already made arrangements with the File Manager in regard to submission of the required information, please disregard this email.

Should you have any questions or concerns, or would like to request an extension, please contact me at your convenience.

Regards,

WILSON CARTAGENA
 Senior Planning Technician
wilson.cartagena@calgary.ca
 587-223-5896
www.calgary.ca/PDMap

NOTICE -

This communication is intended ONLY for the use of the person or entity named above and may contain information that is confidential or legally privileged. If you are not the intended recipient named above or a person responsible for delivering messages or communications to the intended recipient, YOU ARE HEREBY NOTIFIED that any use, distribution, or copying of this communication or any of the information contained in it is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and then destroy or delete this communication, or return it to us by mail if requested by us. The City of Calgary thanks you for your attention and co-operation.

--

Best Regards,
Nirbhai Johal



Sunder Lumber Industries Ltd.

Unit #111, 3501 23 Street NE

Calgary AB T2E 6V8

Office: [REDACTED]

Nirbhai Johal: [REDACTED]

To the Development Authority,

I am writing to indicate that we would like to proceed with Option B and amend the application to address all the concerns raised in the detailed review. Below are the steps we have taken and our responses to each concern:

1. Construction Material Storage:

- We have ensured that all construction materials are stored in a designated area within the parcel and not all over the place.

2. Advertising Address:

- The address of the use is not advertised to the general public. There are no signs at the property indicating the business address and name.

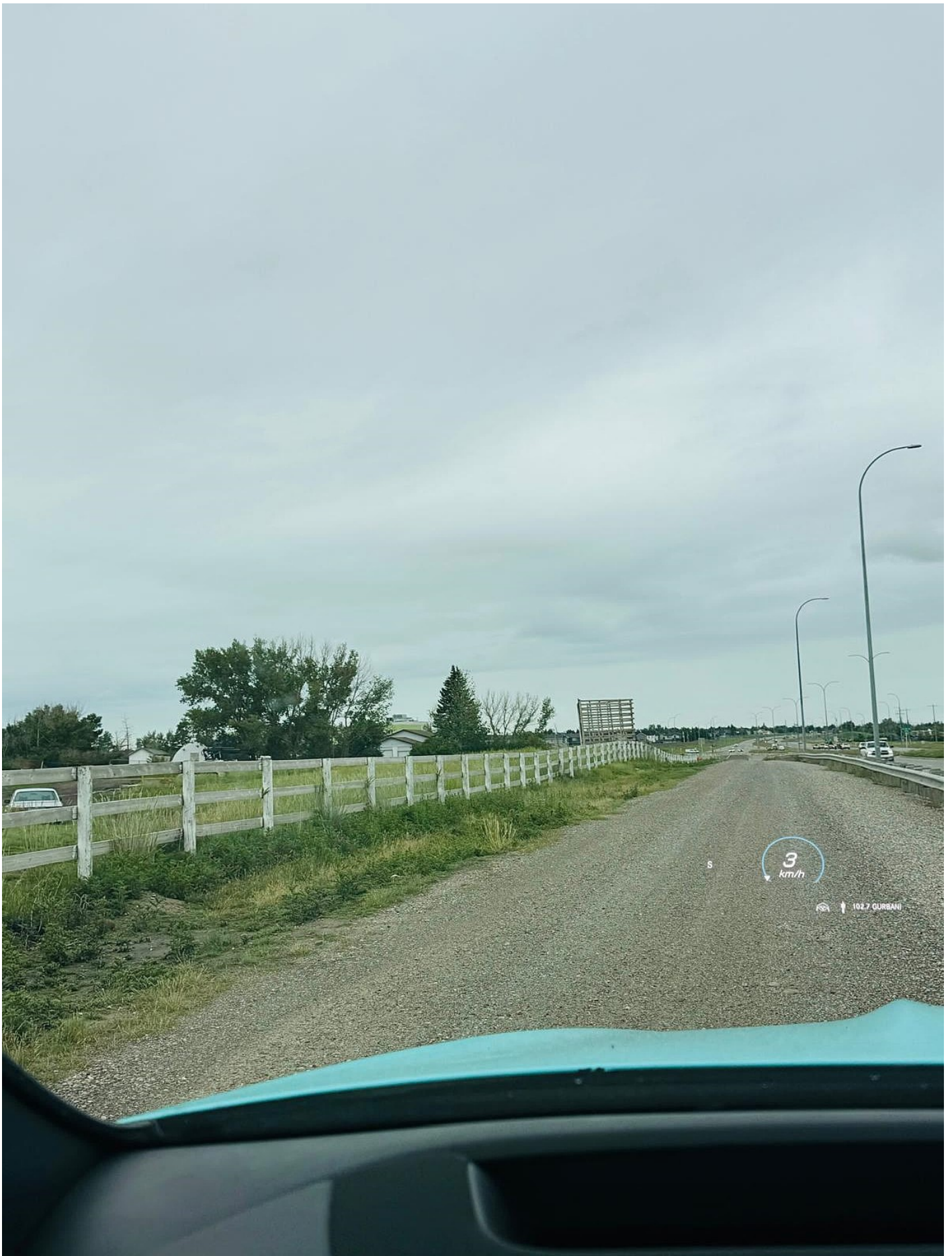
3. Vehicle Usage:

- Vehicles associated with the use go through the residential area a maximum of 2-3 times per week. Only one truck is associated with the use. It should also be noted that the area is a new construction zone, and there are many other companies whose trucks visit the neighborhood on a regular basis to deliver materials or pick up waste material from construction sites.

We are already building a new storage facility at 3875 108 Ave NE. You are welcome to visit the new site at any time to check our progress. We will move all the materials to the new site very soon.

We trust that these amendments address the concerns raised in the detailed review. We look forward to your positive response.

Thank you for your consideration.























Samnick, Cyrille

From: Blaine Thoreson <[REDACTED]>
Sent: Wednesday, March 27, 2024 10:44 AM
To: Cartagena, Wilson A.
Subject: [External] 8608 Metis Tr N.E.
Attachments: Sunder 006.JPG; Sunder 005.JPG; Sunder 004.JPG; 8608 Metis Tr 007.JPG; 8608 Metis Tr 004.JPG; 8608 Metis Tr 003.JPG; 8608 Metis Tr 001.JPG

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Hello Wilson

Have a couple concerns about 8608 Metis Tr.N.E.Large amount of lumber,and truck traffic at this location,also tracking mud onto 84 Ave N.E. from this property.

I found a file number DP2022-06172 Sunder Lumber,on your site.Also here are some pictures.

Thanks Blaine Thoreson

Ph# [REDACTED].



Development Authority Appeal Response

Appeal Number: SDAB2024-0057

Development Permit Number: DP2024-03018

Address: 8608 METIS TR NE

Description: Temporary Use: Home Occupation - Class 2 (General Contractor)

Land Use: Special Purpose - Future Urban Development (S-FUD)

Community: Saddle Ridge

Identified Appeal Body: Subdivision and Development Appeal Board (SDAB)

Use: Discretionary

Notice Posted: Completed as per Bylaw

Public Response(s) Received? Yes, responses received.

Applicable Planning Policies:

- Municipal Development Plan (MDP)
- Saddle Ridge ASP

Bylaw Relaxations:

Regulation	Standard	Provided
208 Home Occupation —Class 2	(a) means the incidental use by a resident of a Dwelling Unit for business purposes;	The business is not incidental and operates at a scale and intensity beyond the intent of the Land Use Bylaw.
	(c) may have more than three (3) business associated vehicle visits per week which includes but is not limited to drop-offs, pick-ups, deliveries, and visits from customers or consultants	Comments received during the review noted the business has a significant number of large vehicle visits to and from the property.
	(k) must not have any activities related to the use take place outside of a Dwelling Unit, which includes the outside storage of materials, tools, products or equipment;	Construction material is stored outside on the parcel.
	(l) may only have one (1) vehicle, associated with the use, provided that vehicle is not a large vehicle;	Photographs show large vehicles parked on the parcel.

Additional Factors, Considerations, and/or Rationale:

1. Please see the Reasons for Refusal.
2. In response to the Notice of Appeal:
 - a. Large vehicles are not permitted for a home occupation – class 2.
 - b. Current aerial photo dated September 7, 2024, of the subject parcel.



3. The Development Authority may submit additional materials prior to the merit hearing.