

TOWN OF DRUMHELLER

**703 – 2nd AVENUE WEST
DRUMHELLER, ALBERTA
T0J 0Y3**

**PHONE: 1-403-823-1300
FAX: 1-403-823-7739**

APPLICATION FOR DEVELOPMENT PERMIT (HOME OCCUPATION)

I/We hereby make application for a development permit under the provisions of the Landuse Bylaw No. 36-98 for the Town of Drumheller in accordance with the plans and supporting information submitted herewith which form part of this application.

Personal information is being collected for the purpose of "Development Control, Land use Planning and Safety Codes Permits" pursuant to the provisions of the Municipal Government Act and its regulations, and pursuant to Section 32(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of your personal information, you may contact the appropriate DEPARTMENT HEAD or the F.O.I.P. Coordinator at (403) 823-1339.

APPLICANT: _____ **PHONE NO.:** _____
MAILING ADDRESS: _____ **POSTAL CODE:** _____
PROPERTY OWNER: _____ **PHONE NO.:** _____
MAILING ADDRESS: _____ **POSTAL CODE:** _____
COMPANY NAME: _____

LOCATION OF PROPOSED HOME OCCUPATION

AREA/SUBDIVISION: _____ **CIVIC ADDRESS:** _____

LEGAL DESCRIPTION: Plan _____ Block _____ Lot(s) _____ ¼ Sec. _____ Twp. _____ Rng. _____ W4th

EXISTING USE OF PROPERTY: _____ **DISTRICT:** _____

DWELLING TYPE: Single Family Dwelling Duplex Semi-Detached Single Family
 Townhouse Apartment/Condominium

HOME OCCUPATION DETAILS:

DETAILS OF BUSINESS:

DETAILS OF EQUIPMENT AND MATERIALS USED IN BUSINESS:	DETAILS REGARDING STORAGE OF EQUIPMENT/MATERIALS: (if applicable)
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NUMBER OF EMPLOYEES	SIGNAGE: (if applicable)	
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If not the landowner, do you have a letter granting permission for the Home Occupation Business from the landowner? Yes No

Where is your business performed? Offsite Onsite

Is your home used for office and administrative work only? Yes No

What part of your dwelling do you plan to use for your business? _____

Vehicles Used in Your Business:

TYPE	NUMBER	SIZE

ADDITIONAL INFORMATION REGARDING APPLICATION:

SIGNATURE: _____ **DATE:** _____

(For Office Use Only)

PERMIT FEE: \$ _____ **PERMIT NO. T** _____ **-** _____ **D**

RECEIVED BY: _____ **DATE RECEIVED** _____

BUSINESS LICENSE NUMBER: _____

LAND USE BYLAW 36-98 PART VII

53. Home Occupations

- (a) All development permits issued for home occupations shall be revocable at any time by the Development Officer/Municipal Planning Commission if in his/her or its opinion, the use is or has become detrimental to the amenities of the neighborhood.
- (b) The Development Officer/Municipal Planning Commission may issue a temporary development permit for a home occupation for a period not exceeding one year. An applicant shall seek renewal for a home occupation permit each year from the date of issue of the prior development permit.
- (c) Where the applicant for the home occupation is not the registered owner of the dwelling unit proposed to be used for a home occupation; the applicant shall provide to the Development Officer/Municipal Planning Commission written authorization from the registered owner(s).
- (d) A home occupation shall not include any use or operation that will cause or create a nuisance by way of noise, vibration, smoke, dust, odors, heat or traffic generation. At all times, the privacy and enjoyment of adjacent residences shall be preserved and the amenities of the neighbourhood maintained.
- (e) There shall be no outside storage of materials, commodities or finished products. The Municipal Planning Commission, if it deems appropriate, may allow goods to be stored on the site provided that such storage is contained entirely within the dwelling or accessory building and is not a fire or health hazard.
- (f) Signing is restricted to one sign per site attached to the building with a maximum size of 0.9 m (10 sq. ft.). Appearance of the sign shall be of a professional quality to the satisfaction of the Development Officer and shall be subject to a separate development permit application.
- (g) The home occupation shall not involve the on-site employment of more than one (1) person not residing in the dwelling unit.
- (h) A commercial vehicle to be parked or maintained on the property shall be subject to the Municipal Planning Commission approval in terms of size and appearance.
- (i) A commercial vehicle, which in the opinion of the Municipal Planning Commission would not be complementary to the residential character of the area, shall not be parked or maintained between the front property line and the rear building line. This requirement may be relaxed by the Municipal Planning Commission in situations where it is not possible to park the vehicle in the rear yard due to access problems.
- (j) The application for a Home Occupation Development Permit shall be made to the Development Officer in writing utilizing the appropriate Form.
- (k) After a home occupation permit has been granted, if the holder of the permit wishes to make any change in the conduct of the business that departs from the description in the application or from any other conditions or restrictions imposed, the holder of the permit must obtain prior permission of the Development Officer/Municipal Planning Commission.

IMPORTANT NOTICES

You may wish to appeal the decision of the Development Officer and/or the Municipal Planning Commission to the Development Appeal Board. Such an appeal shall be made in writing, with the prescribed fee, and shall be delivered either in person or by mail so as to reach the Secretary of the Development Appeal Board at;

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The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Officer and/or Municipal Planning Commission may appeal to the Secretary of the Development Appeal Board WITHIN 14 DAYS AFTER THE NOTICE OF DECISION IS PUBLISHED IN THE LOCAL NEWSPAPER.

A decision of the Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon or question of jurisdiction or law pursuant to section 688 of the Municipal Government Act. An application for leave to appeal to the Appellate Division of the Supreme Court of Alberta shall be made:

- (a) to a judge of the Appellate Division; and
- (b) within Thirty (30) days after the issue of the order, decision, permit approval sought to be appealed.

RIGHT OF APPEAL

Sections 685 and 686 of the MUNICIPAL GOVERNMENT ACT state:

Grounds for appeal

685 (1) If a development authority

- (a) refuses or fails to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

- (2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.
- (3) Notwithstanding subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

Appeals

686 (1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit, or
 - (ii) if no decision is made with respect to the application within the 40- day period or within any extension under section 684, the date the period or extension expires,

or

- (b) in the case of an appeal made by a person referred to in section 685(2), after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
 - (2) The subdivision and development appeal board must hold an appeal hearing within 30 days of receipt of a notice of appeal.

(3) The subdivision and development appeal board must give at least 5 days notice in writing of the hearing

- (a) to the appellant,
- (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
- (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

- (a) the application for the development permit, the decision and the notice of appeal, or
- (b) the order under section 645.

(5) In subsection (3), owner means the person shown as the owner of land on the assessment roll prepared under Part 9.