



To: Mayor and Member of Council

August 8, 2011

Re: Discretionary Business Application – Home Based business – Acupuncture, Shiatsu, Laser, Wellness Clinic–9 Emerald Creek Road

Background

The Administration received a Business Application, Attachment “A”, for the operation of a home based business at 9 Emerald Creek Road. The type of Business is for acupuncture, shiatsu, laser and wellness clinic

The applicant’s request for a home-based business, is a Discretionary Use within this residential district as defined within the *Town of White City Zoning Bylaw No. 541-10*.

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

Discussion

The *Planning and Development Act, 2007*, prescribes the public notice process for Discretionary Use applications. In this case, and as prescribed in the Act, the Administration distributed information about the Business Application for a home based direct sales business to addressed property owners that were within 75 meters of the applicant’s property boundary. A copy of the information provided to the property owners is attached as Appendix “B”. The Act also prescribes that public notice must be provided at least 7 days before the application is to be considered by Council. The Administration has complied with all requirements of the public notice process pursuant to the Act.

There were eleven notices about the home based business application sent to property owners within the defined catchment area. The Administration received two responses objecting to the application.

Budget Implications

There are no budget implications associated with this report.

Recommendations

Your Administration recommends that:

1. the Business Application received from Ingrid Tourigny at 9 Emerald Creek Road to operate a home based business be approved; and
2. the Administration provide the appropriate written notice to the applicant pursuant to the *Planning and Development Act, 2007*.

Respectfully submitted

Shauna Bzdel
Town Manager

Attachments:

- Appendix A – Application for Home based business – 8 Jade Place
- Appendix B – Information provided to residents with 75m
- Appendix C – Responses from 15 & 7 Emerald Creek Road

Appendix - A

Town of White City
Home Based Business Application in a Residential Area

— new home —
Oct 15th

You are advised to check the regulations in the Town's Zoning Bylaws concerning the type of development prior to completing this application. Fill out only those sections of the application which are relevant to your proposal. Attach additional sheets where necessary.

1. Applicant: Name: Ingrid Tourigny *Ingrid's Acupuncture + Wellness Clinic Inc*
Address: #9 Emerald Creek Rd. (Possession date Oct. 15th)
Phone: (306)-332-3930

2. Property Owner Name - Same as Applicant, or
Name: Gerald + Ingrid Tourigny
Address: Box 321 Webster St, S0G 2Y0
Phone: 332-3930

3. Legal Land Description:
1/4 section; Township; Range; W 2nd M
Lot or Parcel 5 Block 33 Registered Plan No. 101918909
Civic Address:

4. Type of Business/Home Occupation (detailed description):
Acupuncture, shiatsu, laser, wellness clinic
I do a variety of services (Acupuncture, low intensity laser therapy, acupressure/shiatsu. I also have herbs that I sell and other health products (such as books, pillows, ^{few special})). BY appointment ONLY. - NO walk-ins!

5. a. Site Plan. Please provide a sketch showing:
• Dimensions of parcel and location of existing or proposed buildings. *Walkout basement*
• Adjoining land uses. *50% of basement*
• Size and location of easements or right-of-ways.
• Location of streets, lanes, roads, and highways.

b. Area of site proposed for business use:
Buildings Existing New Land Use

6. Other Information: *part-time to help out*
Employees 1 Owner Ingrid Tourigny Others
Area of Business Use 50% of lower level (walkout basement) of house
Existing Building 60 meters or less
 more than 60 meters
Accessory Building
Parking drive way - our own (2) Number of Vehicles 3 at most - usually 1 at
(1) maybe one on the street. a time

Will the peace, quiet and dignity of the neighborhood be disturbed by dust, noise, smell, environmentally hazardous materials, smoke or traffic generated by the business/Home occupation?

Yes No

Will any accessory mechanical equipment be incompatible with the residential zoning of the area, and generate a nuisance, noise, odour, vibration or glare?

Yes No

Will any vehicle utilized to service the business/Home occupation exceed a gross weight of 3,000kg, being the combined weight of the vehicle and the load carrier thereon?

Yes No

Shall the business/Home occupation be conducted entirely within the dwelling or accessory building?

Dwelling Accessory Building

Any Signage? Yes No Size (if applicable) on house only stating - clinic name
- By appointment only
- phone #.

Shall there be any interior display, exterior storage of material, and any variation from residential character of the building?

Yes No If yes, explain _____

7. Other comments in support of the application: We will build a sidewalk to
go to the back of the house so people can enter with no steps.

8. I will notify the Town of any alteration or changes to the above.

9. Declaration of Applicant:

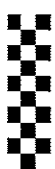
I, Ingrid Tourigny, of the Town of White City, in the Province of Saskatchewan, solemnly declare that the above statements contained within this application are true, and I make this solemn declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

I understand that my application will be distributed (if business type is of a discretionary use) to all dwellings within 75 feet of the business address prior to being reviewed by Town Council according to Town of White City Bylaw No. 366-02.

July 11th
Date

Ingrid Tourigny
Signature

Note: The applicant is responsible for ensuring that all measurements, distances and information shown on the lot plan and indicated in this application is correct.



TO:

TOWN of white City
FX - 781-2194

FROM:

Ingrid's Acupuncture + wellness
Clinic Inc.

306-332-4703

332-3930 (H)

RE:

- We just bought a house and want
to have a home based business.

-



Town of White City

Appendix - B

July 18, 2011

Dear Resident:

Re: Discretionary Use Application – Home Based Business

Please be advised that the Town of White City has received an application from Ingrid Tourigny to operate a home based business, which involves a variety of services which include acupuncture, low intensity laser therapy, acupressure/shiatsu. A copy of the application is attached for your reference.

A home-based business of this type is a discretionary use within this residential district as defined within the *Town of White City Zoning Bylaw No. 541-10*.

The *Planning and Development Act, 2007*, prescribes the public notice process for discretionary use applications. You are requested to please review the application and forward any comments in writing to the Town Office by 5:00 pm, August 4, 2011.

Yours truly

Debi Breuer
Development Officer

Att: Application for home base business
Ingrid Tourigny

**DISCRETIONARY USE APPLICATION
FOR 9 EMERALD CREEK ROAD**

- 11 Emerald Creek Road – Ryan Dureau**
- 15 Emerald Creek Road – Donald & Barbara Hitchens**
- 17 Emerald Creek Road – Jonathan & Audra Hill**
- 1 Emerald Creek Road – Gerald Hill**
- 3 Emerald Creek Road – Kyle & Raylene Keith**
- 5 Emerald Creek Road – Kevin & Sharon Dahlman**
- 7 Emerald Creek Road – Geoffrey & Monica Tober**
- 6 Emerald Creek Road – Bradley & Heather Helgason**
- 10 Emerald Creek Road – Daren & Patreese Nixdorf**
- 14 Emerald Creek Road – David & Donnaleen Bowns**
- 18 Emerald Creek Road – Paul & Kim Hermanus**

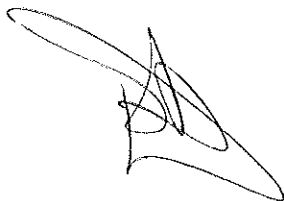
RECEIVED
AUG 04 2011

In regards to zoning bylaw No. 541-10 for application to operate a in home business at 9 Emerald Creek Road my concern is this.
-what, if after a certain period of time the "one or two" clients per hour becomes substantially greater than that and traffic increases on the street to the point where it becomes a concern ? Does the Town of White City now have the authority to put an end to the home based operation ?

- What if by allowing this home based business two or three other homes on the street then decide to become home based operations of sorts as well with "only" two or three vehicles per hour coming for services. Suddenly we now would have substantial traffic flow to the point where it becomes less appealing to live on that particular street.

These are only two scenarios I wanted to touch base on and in closing I would like to state that part of the "allure" of moving from Regina to White City was the fact there is far less on street traffic and the community has that quiet "small town" atmosphere that goes along with living outside a large urban area. I would think the town council would be more inclined to advise these types of operations to support the local commercial developments now in place .

Thank You
Don Hitchens
15 Emerald Creek Road



Debi Breuer
Town of White City
Box 22 Station Main
White City SK S4L 5B1

RE: Discretionary Use Application – Ingrid Tourigny, 9 Emerald Creek Road

Dear Ms. Breuer:

We would like to convey our opposition to the granting of a discretionary use permit at 9 Emerald Creek Road. Our opposition to said permit is due to a number of concerns:

1. This is a residential neighbourhood and we should not have to worry about a retail based business operating here. (one where there will be a great deal of daily traffic) This will lead to:
 - increased traffic flow and potential parking problems for us and other residents (contrary to what appears in the application)
 - increased noise pollution
 - a great deal of people whom we do not know walking by and around our home.
2. We believe this business will lead to a permanent impairment in the value of our property. We bought our house in what we considered was one of the nicest neighbourhoods in White City. We certainly would not have done so if we knew there would be dozens of people every day walking by our own – private – yard. Approval of this permit could, in fact, lead us to sell our own home as we may choose to not tolerate this loss of privacy.
3. We travel for part of the Winter and we would not feel comfortable at all knowing the number of people passing by our vacant home on a daily basis.
4. We note that there is an employee listed and we have a concern that there would be more employees as the business potentially grows. This employee(s) also requires parking.
5. We are concerned that this business has the potential of operating during non regular business hours.
6. We feel that the issues outlined above could lead to questions from our own insurance company.

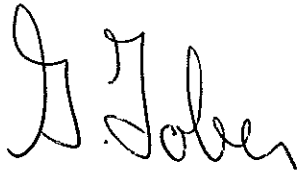
We believe the Town has a duty to protect the property value of its home owners and we believe the granting of this type of a permit will demonstrate that desire is not present. We believe it is also incumbent on the Town to ensure that the privacy of our neighbourhoods are maintained. This is one of the primary reasons for moving here.

We believe, as well, that if this permit is granted it will open the door to allowing other residents to do the same thing. In essence, it will become very difficult to say no to future applicants once this one is established, and this will only compound the problems we have listed above.

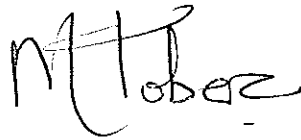
As a side note, we also operate a business. Our landscaping business requires a number of pieces of heavy equipment. We pay a significant sum of money every year to be able to park this equipment on a site away from our home. We do this to ensure the "continuity, serenity and visual appeal" of the neighbourhood does not change. We would have to review this going forward.

Finally, we understand that there are homes in the Regina and surrounding area that operate these types of businesses. However, we believe that the location is inappropriate in this case. There are many other business owners in this neighbourhood and none of them operate out of their homes as their primary place of business. This type of business, with a great deal of traffic from unknown people, should be located in a commercially zoned area of White City or another locality.

Thank you for your consideration. Please feel free to contact us at any time.



Geoff Tober
7 Emerald Creek Road
White City SK S4L 0B1
545-8381 or 535-0556



Monica Tober