

**REPORT TO THE SUBDIVISION AND
DEVELOPMENT APPEAL BOARD**

DATE: November 17, 2022 , December 8, 2022	APPEAL NO: SDAB2022-0058 FILE NO: DP2022-06167
APPEAL BY: Leonard Bruton	
FROM A DECISION OF THE DEVELOPMENT AUTHORITY where a Temporary Use: Home Occupation – Class 2 (Personal Trainer - 3 years) was approved at <u>386 Capri Crescent NW</u> .	LAND USE DESIGNATION: R-C1 Discretionary
COMMUNITY OF: Charleswood	DATE OF DECISION: October 7, 2022
APPLICANT: Nicole Henderson, Raw Fitness YYC	OWNERS: Nicole and William Henderson

This hearing commenced on November 17, 2022, with consideration of procedural and jurisdictional issues. The Board adjourned the matter to December 8, 2022.

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] 386 Capri Crescent NW, Calgary

Development Permit/Subdivision Application/File Number [required] DP2022-06167

Name of Appellant [required] Leonard Bruton

Agent Name (if applicable)

Street Address [required] 388 Capri Crescent NW

City [required] Calgary

Province [required] Alberta

Postal Code [required] T2L 1B2

Residential Phone # [required] (403) 282-6362

Business Phone # (403) 561-4666

Email Address [required] lenbruton@shaw.ca

APPEAL AGAINST

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

Development Permit Conditions of Approval

Final Date of Appeal	SDAB Number	Fee Paid?	Hearing Date	Date Received
November 3, 2022	SDAB2022-0058		November 17, 2022	October 26, 2022

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

The Ancillary Building is 45 sq m in area and is as an equipped gymnasium located just 11 meters from our Master Bedroom. We are easily the most affected neighbour if this gymnasium is to be operated under the requested Class 2 Business License. We appeal against conditions 3, 7 and 12 in the document entitled 'Conditions of Approval - Development Permit' because these conditions permit multiple uses that are not permitted by the City's rules. We challenge the discretion that seems to have been exercised by the City and we reserve the right to appeal against other conditions that may exist in other documents that we have so far been prevented from viewing under FOIP regulations; for example, the application, the applicant's agreement to conditions, the identity of Raw Fitness YYC, etc. It is our understanding that we will have an opportunity to provide detailed evidence and other supporting material prior to consideration of the Appeal by the SDAB.

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

Estimated Presentation Time 45 minutes

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

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

If yes, what are the issues?

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

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 2022-10-25

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

Appeal Board rec'd: November 7, 2022
Submitted by: L. Bruton, appellant

388 Capri Crescent NW
 Calgary, T2L 1B2

November 7, 2022

To SDAP
 City of Calgary

**Re: Appeal of the Permanent Conditions of Approval of Development
 Permit DP2022-06167 for a Class 2 Homeowner
 Business License at #386 Capri Crescent NW**

I Background Information

We recognize that homeowner businesses can be of societal value if they operate within the rules and with concern for the neighbours. In addition to appealing some of the Permanent Conditions, we make one Recommendation and five Requests that are hopefully constructive.

1.1 What we are appealing and why

In the following, we appeal some of the City's 12 Permanent Conditions of Approval and we request changes that would not only lead to a more transparent process but also to an outcome that is more specific, satisfactory to the City and hopefully satisfactory to Raw Fitness YYC.

All of our Requests would allow Raw Fitness YYC to operate in exactly the same way that Mrs Henderson requested when applying in February 2020 for her current license under Development Permit DP2020-7717.

1.2 The February 2020 Application for the current Development Permit DP2020-7717

In February 2020, Mrs Henderson applied for and was approved for her current Class 2 Homeowner's Business License under Development Permit DP2020-7717. She asked for the following on the Application Form:

- a. Personal Training,
- b. Monday to Friday,
- c. 9 a.m. to 8 p.m.,
- d. no other employees,
- e. 6 vehicles per week and
- f. 8 client visits per week.
- g. 45-60 minute classes of strength training for prenatal and postpartum women.

When asked what rooms in the home would be used, she answered 'Detached garage only', incorrectly referring to the Gymnasium as a garage. At the time, it seems as if the City was not aware of the intent to allow up to 4 unsupervised clients to use and rent the special-purpose 45 sq m Gymnasium in the backyard.

1.3 Our Situation

We live at #388 Capri Crescent NW and are easily the most affected neighbour by this application for a Class 2 Homeowner's Business License. As shown below, our house is located at the apex of a Crescent that surrounds three sides of a nicely treed park. This is a very quiet residential area with no through traffic, minimal non-resident parking. Pre-school children from the adjacent Charleswood Daycare regularly play on the park where residents and children sit on park benches, picnic and hang out.

1.4 The Gymnasium, Our Master Bedroom and the Park

In 2019/2020, our neighbours at #386 constructed a Contextual Residential Home that included a purpose-built 45 sq m Gymnasium in their back yard. This Gymnasium is approximately 11 m from our Master Bedroom and thereby from the head of our bed. No other neighbour is nearly as close. Please see the photo below of the Gymnasium, taken from the window of our Master Bedroom and just a meter from our bed. This Gymnasium cannot be used as a garage and is not visible from Capri Crescent. See also the Google Map showing our location, the park and the proximity of Charleswood Daycare from which pre-school children regularly play on the park.



Taken from inside our Master Bedroom



Our location, the park, the day care

II Our Appeal

2.1 The Current Application DP2022-06167 for a Class 2 Homeowner's Business License

Our neighbour, Mrs Nicole Henderson, has held a Class 2 Homeowner's Business License since February 2021 under Development Permit DP2020-7717. Although we currently have no access to the application for DP2022-06167, it is evident that this new application involves a number of important changes from DP2020-7717. For example, the applicant is no longer Mrs Henderson but is an entity described as Raw Fitness YYC. We do not know whether Raw Fitness YYC is simply Mrs Henderson's registered trade name or whether it is a registered corporation. For such reasons as transparency, liability and accountability, we make the following recommendation:

Recommendation: *That the application for this Class 2 Homeowner's Business License DP2022-06167 be in the name(s) of the Homeowner(s)*

2.2 Available Documentation

In the following, we appeal some of the 12 Permanent Conditions of Approval listed in the document entitled '*Conditions of Approval – Development Permits*'. The City allowed us to access this document for a period of 24 hours, starting at 9 a.m. on October 24th. We have asked the City for access to other relevant documents, such as the current Application from Raw Fitness YYC and other written materials that were submitted and evidently agreed to by Raw Fitness YYC. Unfortunately, the City has informed us that such documents are protected under FOIP.

Additional information that has been available to us includes social media advertisements by Raw Fitness YYC, emails from the City's Planning Department and the original February 2020 application from Mrs Henderson.

2.3 Our Earlier Comments

In September, and with the limited information available to us at the time, we wrote two documents to the File Manager, Mr. Joshua Paul. We request here that, according to the City's policies, these two documents be made available to the SDAB in consideration of this appeal.

Our first document is dated September 13th, 2022, and was hastily written in response to a one week deadline that followed the City's September 9th posting of a Notice Board on the front lawn at #386. We asked the City for an extension of that deadline but this was not allowed.

Our second document is dated September 27th, 2022, and consists of updated comments arising from new information that was not available to us on September 13th. This new information was primarily in the form of social media advertising by Mrs Henderson (now Raw Fitness YYC), offering to rent the 45 sq m Gymnasium to unsupervised/uncoached business clients.

2.4 Unsupervised Clients and the City's Noticeboard at #386

The possibility of unsupervised rentals to business clients is of major concern to us. Such rentals would far exceed the scope of the applicant's current Personal Training License that is summarized in section 1.2.

Importantly, the existence of the Gymnasium and unsupervised rentals were not mentioned on the City's Noticeboard at #386 or at the City's web site. Many neighbours and other passersby would not be aware of the Gymnasium in the backyard or of the plan to use it for unsupervised rentals.

2.5 The City's Intent

Mr. Laurie Loewen at the City has recently confirmed to us in writing that the intent of the City's 12 Permanent Conditions is to limit Raw Fitness YYC to Personal Training and thereby to exclude unsupervised rentals. Unfortunately, none of the current 12 Permanent Condition refers to the

existence of the 45 sq m Gymnasium or the intended limitation of its use to Personal Training. Therefore, in the following, we seek to formally modify and clarify some of these conditions, hopefully with the support of the City *and in a way that allows Mrs Henderson to continue in the Personal Training business at the level of her February 2020 Application.*

2.6 Unsettling Events on September 29th

We have chosen to inform the Appeal Board that we are participating in this appeal process under considerable pressure. In the Appendix, we describe two events involving Mr. and Mrs. Henderson that occurred on September 29th, 2022. These events are unsettling, troublesome and stressful. We hope that they were momentary expressions of anger and not intended to discourage us from making this appeal.

2.7 Condition 7 - On The Relaxation of the Floor Area to be used under DP2022-06167

The City's Permanent Condition 7 states: 'The Home Occupation must not occupy more than 20% of the dwelling unit or 30 sq m, whichever is less'.

However, the City's Class 2 Rules are different than Condition 7 and include the following statements:

- a) The business can use up to 20 per cent of the floor area of the home or 30 square metres, whichever is less.
- b) An Accessory Residential Building like a backyard office can be used for the business

From the above, the Permanent Condition 7 refers to a *dwelling unit* (the house in this case) whereas the City's Class 2 Rule refers to the *home*, where the use of the word 'home' clearly includes the Gymnasium. This inclusive use of the word 'home' is confirmed in the Permanent Condition 3 where reference is made to '*... visits to the home ...*' and where the word 'home' is referring to the Gymnasium and not to the dwelling unit. We therefore respectfully claim that the substitution of the word 'dwelling unit' in Permanent Condition 7, in place of the word 'home', is significant and wrong. *Permanent Condition 3 clearly implies that the Gymnasium is part of the home.* That being the case, the above City's Rule a) limits the floor area of the Gymnasium (*as part of the home*) to 30 sq m whereas in fact it is 45 sq m.; that is 50% over the limit for a Class 2 License.

In order to get around this 30 sq m limit, and according to Mr. Ross McMahon and others at the City Planning Department, there exists a request from Raw Fitness YYC for a Relaxation of this area rule. We are unaware of any justification for exceeding the floor area limit by 50%, and so we request that

Request 1: *The use of the 45 sq m Gymnasium under DP2022-06167 be suspended until any proposed Relaxation of the 30 sq m rule for the Gymnasium has been posted on the City's web site and advertised by the City on a new Noticeboard at #386, inviting comments from neighbours and others.*

Otherwise, we have this highly undesirable precedent whereby applicants are encouraged to *intentionally overbuild* the floor area of such businesses in their backyards, without prior approval, and then *retroactively* seek discretionary approval from the Planning Department. This is exactly the kind of behind-the-scenes opaque behaviour that should not be tolerated.

Request 1 is to ensure transparency and to eliminate major discretionary decisions being taken by the Planning Department without public input and without public awareness.

2.8 Appeal of Permanent Condition 3 – Clarification of ‘Visits’ versus ‘Vehicles’

Permanent Condition 3 states: ‘All business related visits to the home must be by appointment only, with a maximum of 3 visits per day to a maximum of 15 visits per week’.

Mr Loewens has confirmed to us in writing that the word ‘visits’ means the same as ‘vehicles’. On that assumption, we hereby appeal Permanent Condition 3 and make the following request:

Request 2: *Permanent Condition 3 be modified to ‘All individual business-related client visits to the home must be by appointment only, with a maximum of 3 vehicles per day to a maximum of 8 vehicles per week’*

In support of Request 2, in Appendix 2 we have repeated comments from our September 13th letter regarding child safety and parking issues. The limit of 8 vehicles per week would significantly relieve these issues and yet be consistent with Mrs Henderson’s application under DP2020-7717 as described in section 1.2.

2.9 Appeal of Permanent Condition 3 – Clarification of Maximum Number of Visiting Clients

Permanent Condition 3 is evidently intended to limit the number of vehicles and thereby address parking issues. However, under the 12 Permanent Conditions issued by the City, there exists no limit to the number of individual clients that can visit the Gymnasium. For example, within the 12 Permanent Conditions, Raw Fitness YYC would be allowed 4 visiting clients per vehicle to a total of 15 vehicles per week. That would imply an unacceptable maximum of $15 \times 4 = 60$ visiting clients per week in a location that is 11 m from our bedroom. We hope that Mrs Henderson is not planning such high numbers of weekly client visits and so we suggest a new condition:

Request 3: *New Permanent Condition: The number of individual visiting clients is limited to 8 per week, excluding the infants of postnatal clients*

This new Permanent Condition would allow Raw Fitness YYC to operate the business at the same level (of 8 clients per week plus infants) that was applied for under the current permit DP2020-7717 while preventing excessive numbers of visiting clients.

2.10 Appeal of Condition 12 on Limiting Duration and Times

Please refer to Appendix 3 and our September 13th letter for a description of the impact noise created by gym weights hitting the concrete floor and associated music. Increasing the allowed duration and times of operation exacerbate these disruptions.

The City’s Permanent Condition 12 states only that: ‘The business activities for the Home Occupation are limited to the hours of 8.00 a.m. – 7.00 p.m.’

We appeal against Permanent Condition 12 because it allows weekends and does not limit the duration of the business operation. Under her current license DP2020-7717 (and as summarized in Section 1.2), Mrs Henderson asked that the hours be from Monday to Friday and from 9 a.m. to 8 p.m. with all appointments limited to a duration of one hour. We are unaware of any reasons for now expanding this previously approved duration and time of operation. We therefore request the following:

Request 4: *Modify Permanent Condition 12 to ‘The business activities for the Home Occupation are limited to Monday to Friday and between the hours of 9.00 a.m. – 8.00 p.m. with all appointments limited to one hour duration.’*

This request is entirely consistent with Mrs Henderson’s application under DP2020-7717 as described in section 1.2.

2.11 Explicitly Ruling Out Unsupervised Rental of the Gymnasium

The existence of the Gymnasium and its limited use for Personal Training are not mentioned anywhere among the 12 conditions. However, Mr. Loewen has assured us in an email that only Personal Training is approved and therefore unsupervised rental of the Gymnasium is not approved. This is important to us and so we request that it be explicit in the City’s Permanent Conditions, as follows:

Request 5: *A New Permanent Condition: ‘Only Personal Training is approved, where Personal Training implies the presence of the Personal Trainer’*

As intended by the City, this request would rule out unsupervised use of the Gymnasium and this would be clear to the applicant. We strongly believe Request 5 is necessary because under the current license DP2020-7717, Mrs Henderson has employed social media to advertise the Gymnasium for rental to as many as 4 clients at a time.

Sincerely

Dr. L.T. Bruton, FRSC, FIEEE, P.Eng.

Mrs A. Bruton

lenbruton@shaw.ca

403-561-4666

Appendix 1 - Events of September 29th, 2022

On the morning of September 29th, 2022, Mr. Joshua Paul informed us by phone that it was his intention to make his decision that same day on the application for Development Permit DP2022-06167. He also stated that it was his intention to contact the homeowners at #386 later in the day to inform them of his decision. Understandably, he was unable to tell us anything about his decision although he did advise us to check on-line in about a week when the decision would be publicly available, which we did.

Later in the evening of that same day and just before 7 p.m., Mr. Henderson came to our front door to express his extreme anger with us for contacting the City and a few minutes later, after his departure, Mrs. Henderson arrived on our doorstep to deliver a handwritten note to our mailbox in which she wrote that, unless we provide a suitable survey, portions of our fence would be removed from near the property line that we share with them. We have recorded these angry, unsettling and retaliatory visits to our doorstep. We hope that they were not intending to intimidate us from appealing to the City.

Within a day or so of September 29th, the social media advertisements for unsupervised/uncoached rental of the Gymnasium and for Personal Training were evidently removed from social media by Mrs Henderson, only after posting various references on social media that blamed ‘a neighbour’ for shutting her down.

Appendix 2 - Parking Limit, Traffic and Pre-school Children Accessing the Park

Currently, all normal parking and vehicle traffic is by residents of Capri Crescent who are fully aware of the danger that many pre-school children may stray from the Park onto the roadway of the Crescent, after playing and picnicking on the surrounding Park. An existing Day Care on Capri Avenue abuts the Park, as shown in above photo, and many of its pre-school children regularly play on the Park. We anticipate that many visiting clients of Raw Fitness YYC will be completely unaware of this danger and therefore the probability of serious accidents between children and vehicles would significantly increase.

Appendix 3 - Impact Noise Created by Gym Weights and Music

From our experience, when just one person is using the Gymnasium, multiple Gym weights synchronously hit the concrete floor and create an infrasound rumble that travels in the ground and vibrates the wall and window of our Master Bedroom, located approximately 11 m from the Gymnasium. We estimate that up to 5 times the current infrasound noise level will occur when the planned classes and Gymnasium rentals would be in full operation. Significant levels of music are also heard in our Master Bedroom and backyard.



The City of Calgary
Planning & Development Services
Community Planning

Development Authority Appeal Response

Appeal Number: SDAB2022-0058

Development Permit Number: DP2022-06167

Address: 386 CAPRI CR NW

Description: Temporary Use: Home Occupation - Class 2 (Personal Trainer - 3 years)

Land Use: Residential - Contextual One Dwelling (R-C1)

Community: Charleswood

Identified Appeal Body:

Subdivision and Development Appeal Board (SDAB)

Development Authority Attendance: No

Use: Discretionary

Notice Posted: Completed as per Bylaw

Public Response(s) Received? Yes, responses included in the Board Report

Applicable Planning Policies:

- Municipal Development Plan

Bylaw Relaxations:

The development does not require Land Use Bylaw relaxations.

Additional Factors, Considerations, and / or Rationale:

1. The use of Home Occupation – Class 2 is a discretionary use in the Residential One Dwelling (R-C1) District.
2. In making their decision the Development Authority applied Section 35 of the Land Use Bylaw.
3. The application proposes a personal training business and will use the accessory residential building in the rear yard. This type of business falls within the definition of Home Occupation – Class 2.
4. This application is a renewal of the home-based business approved under DP2020-7717 where the Development Authority granted an 18-month approval.
5. For the current application, the Development Authority considered an 18-month approval as the conditions have changed since the first approval.
6. This 3-year approval grants permission to operate a home occupation within the scope of the conditions. One condition limits the operating hours to mitigate noise concerns. *The business activities for the Home Occupation are limited to the hours of 8:00am - 7:00pm.*
7. The proposed development complies with the Land Use Bylaw rules for a Home Occupation - Class 2.
8. In response to the Notice of Appeal:
 - a. The Land Use Bylaw rule regulating site visits states *Home Occupation – Class 2 must not generate more than five (5) business associated vehicle visits to the parcel on any one day, to a maximum of 15 business associated vehicle visits per week;*

This rule is reflected in the approval condition no. 3 which states *All business related visits to the home must be by appointment only, with a maximum of 3 visits per day to a maximum of 15 visits per week.* This is to restrict the business-associated visits to the house.

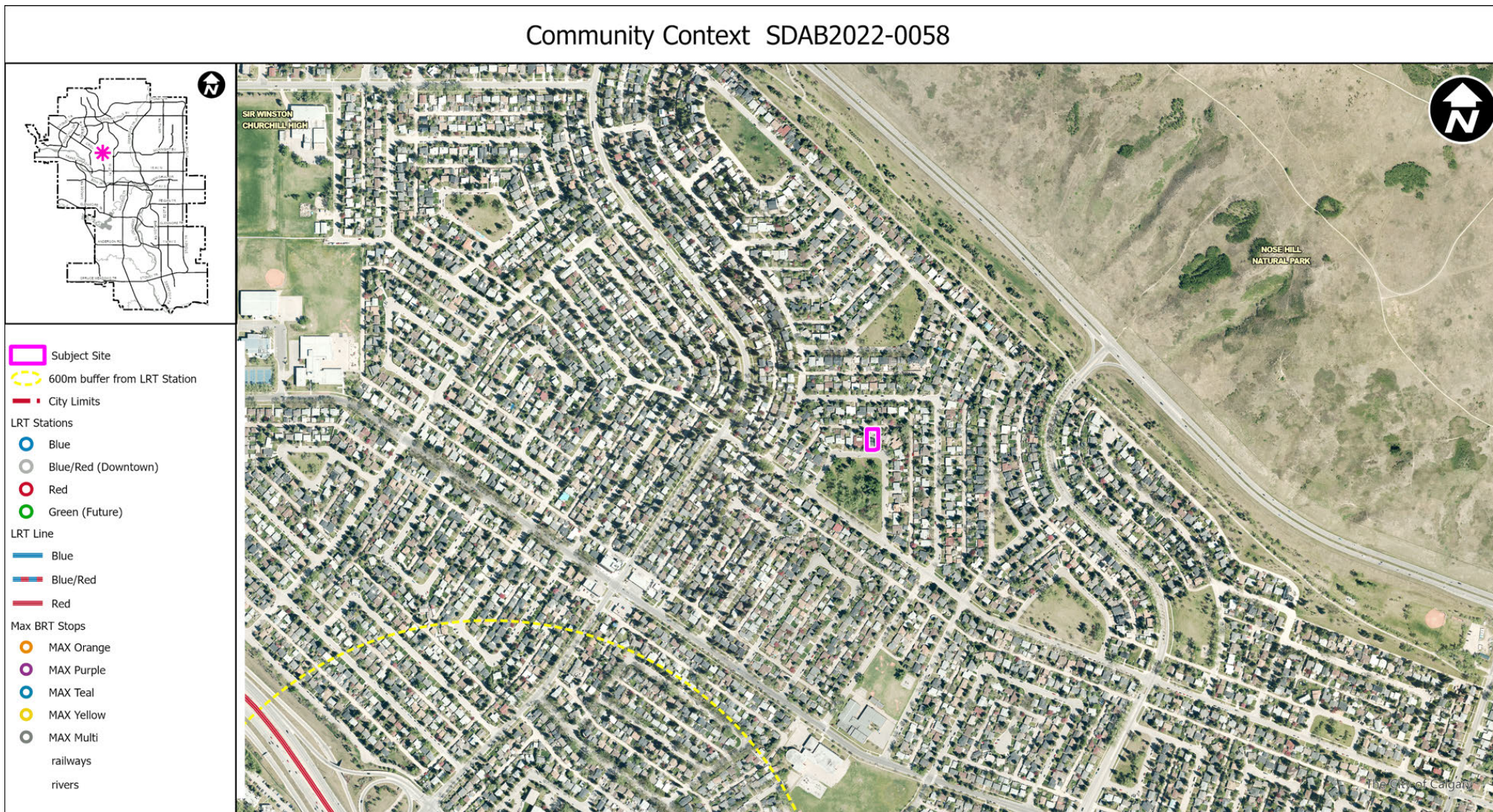
- b. Approval condition no. 7 states *The Home Occupation must not occupy more than 20% of the floor area of the dwelling unit or 30.0 square meters, whichever is less.*

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Rules for a home occupation limit the floor area when operating inside the dwelling. The rules limit the intensity of the home occupation so that the primary use of a dwelling unit remains the primary use of the building. The floor area for a home occupation is not limited when operated from an accessory residential building. The accessory residential building floor area is reasonable for the proposed business of personal training.

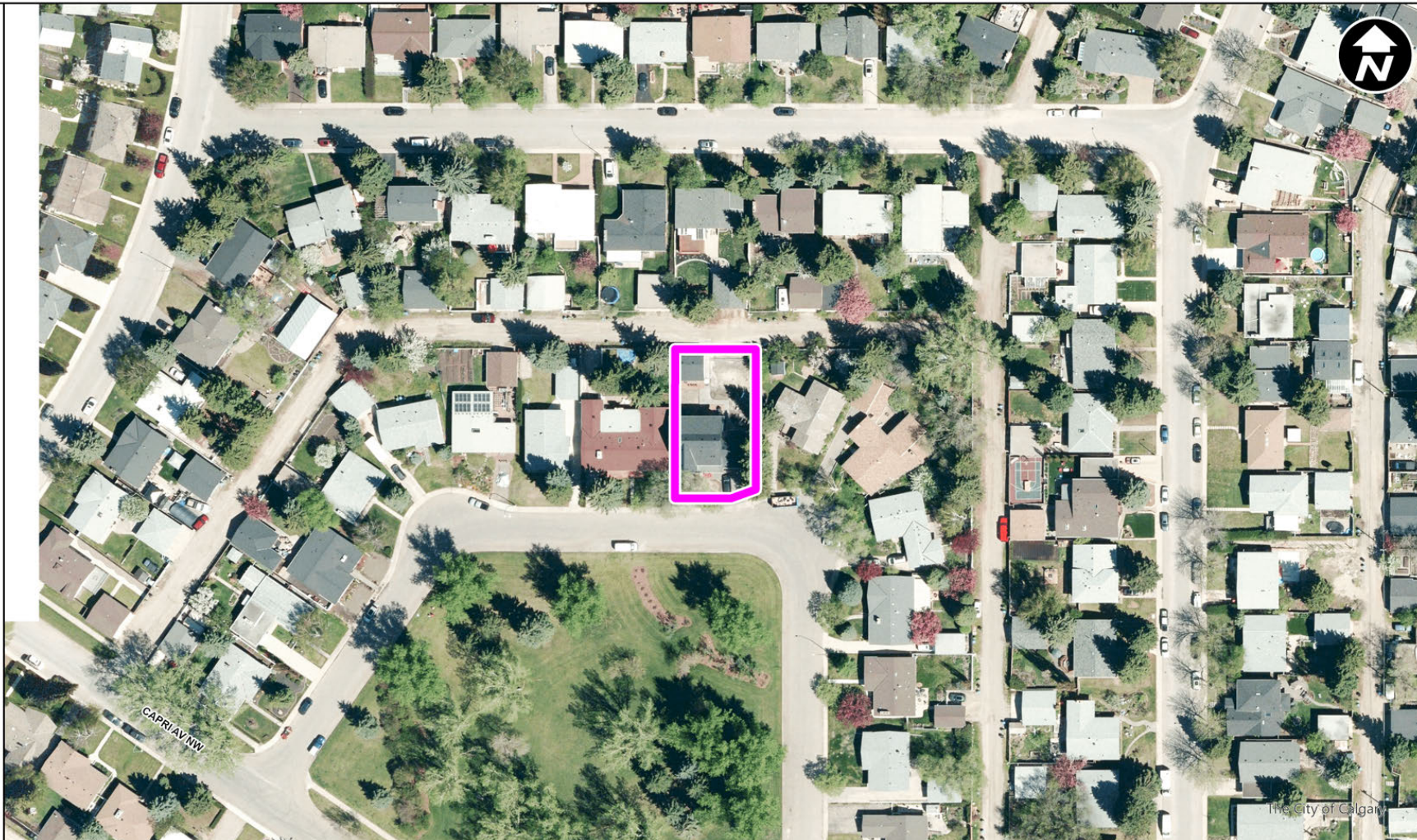
- c. Approval condition no. 12 states *The business activities for the Home Occupation are limited to the hours of 8:00am - 7:00pm.* Limiting business hours mitigates noise concerns and restricts hours to be similar to a typical workday.
9. The Development Authority may provide additional materials prior to the merits meeting.

Community Context SDAB2022-0058

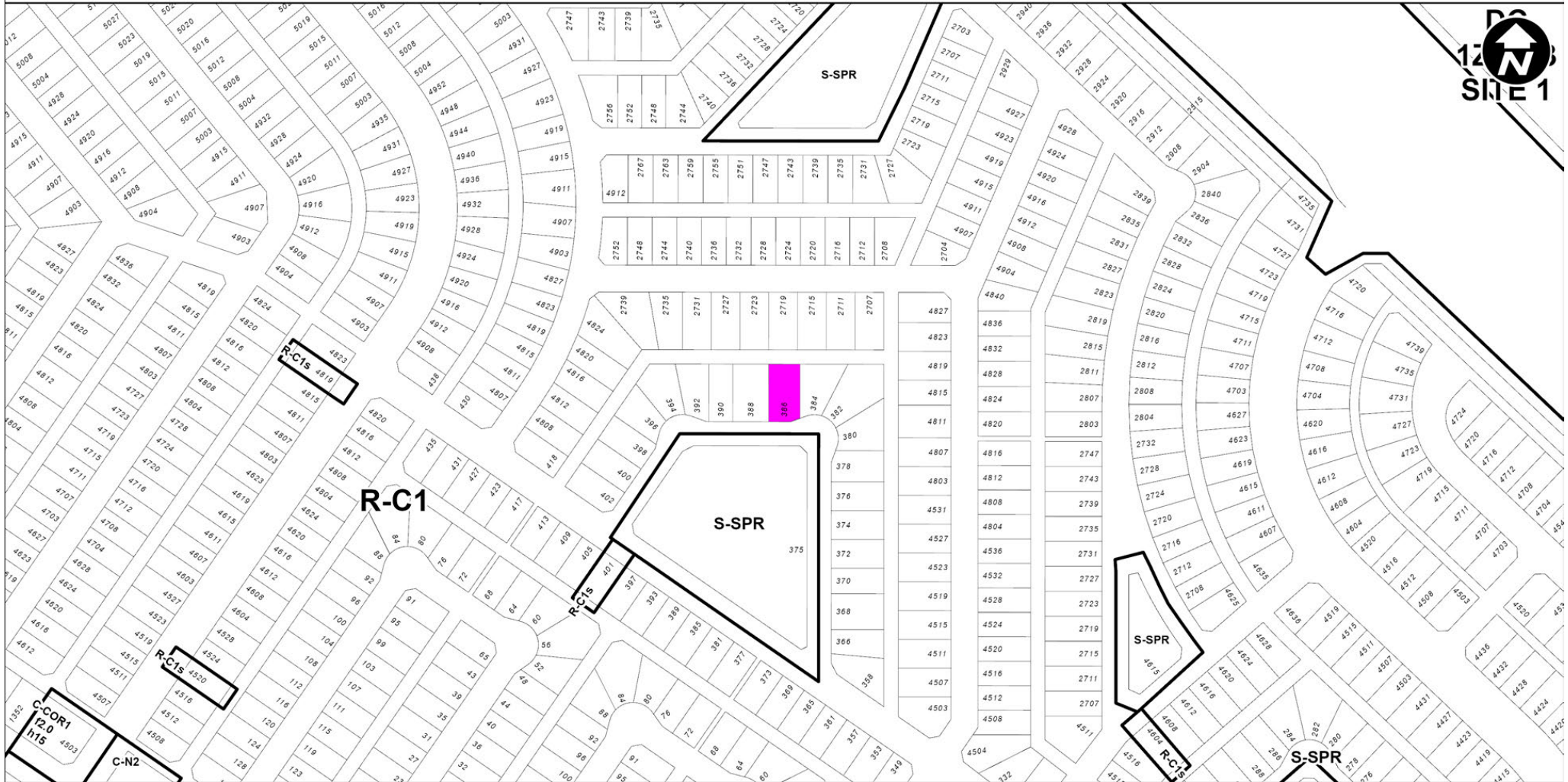


Site Context SDAB2022-0058

- Subject Site
- 600m buffer from LRT Station
- City Limits
- LRT Stations
 - Blue
 - Blue/Red (Downtown)
 - Red
 - Green (Future)
- LRT Line
 - Blue
 - Blue/Red
 - Red
- Max BRT Stops
 - MAX Orange
 - MAX Purple
 - MAX Teal
 - MAX Yellow
 - MAX Multi
 - Bus Stop
- railways
- rivers

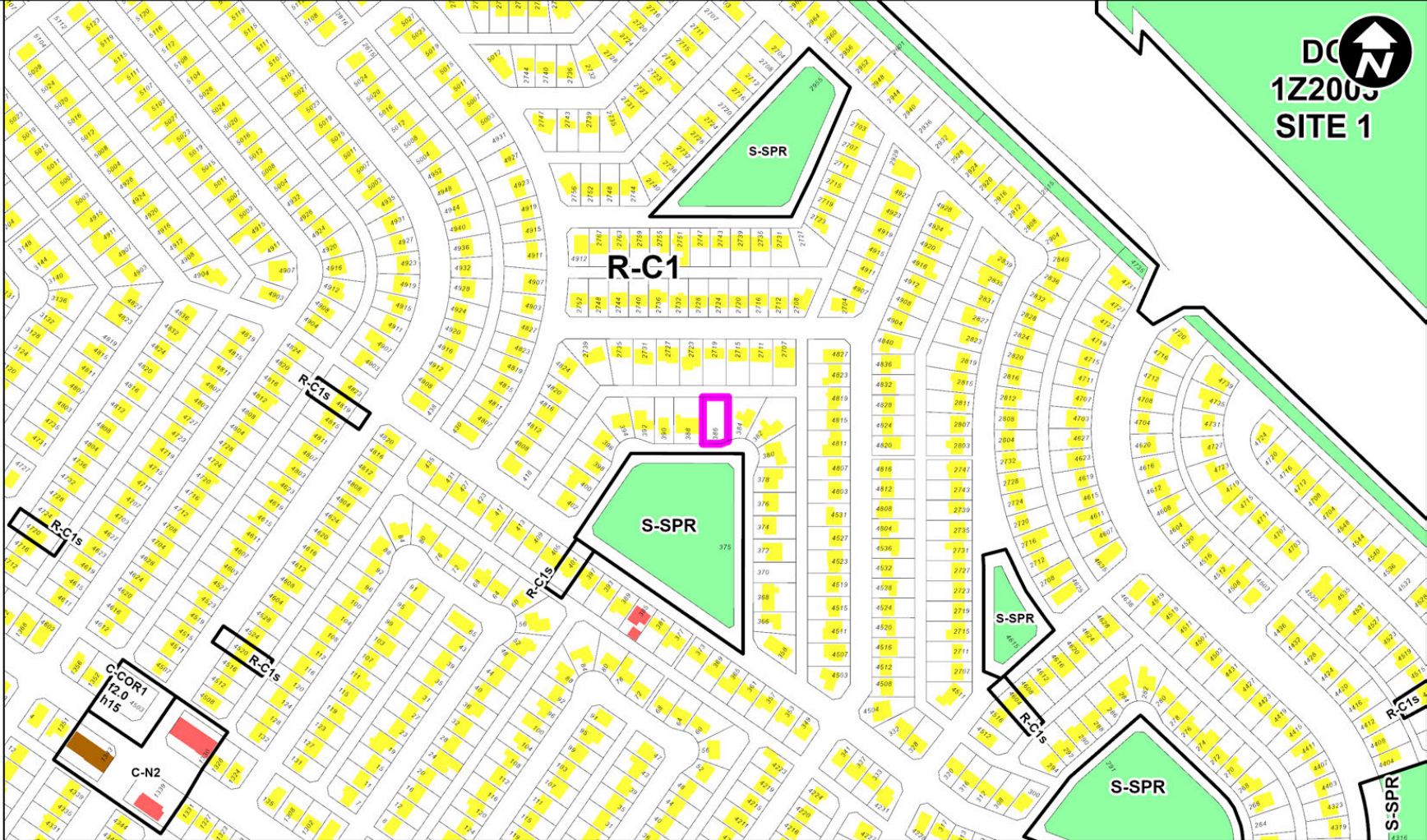


Land Use Districts SDAB2022-0058



Surrounding Land Use SDAB2022-0058

- Subject Site
- Single Detached Dwelling
- Semi-Detached/Duplex Dwelling
- Rowhouse/Multi-Residential
- Commercial
- Heavy Industrial
- Light Industrial
- Parks & Openspace
- Public Service
- Service Station
- Vacant
- Transportation, Communication, and Utility
- Rivers, Lakes





October 11, 2022

RAW FITNESS YYC
Nicole Henderson

Dear Applicant:

RE: Notification of Decision: DP2022-06167

Subject: Temporary Use: Home Occupation - Class 2 (Personal Trainer - 3 years)

Project:

Address: 386 CAPRI CR NW

This is your notification of decision by the Development Authority to approve the above noted application on October 7, 2022.

Read all of the Permanent Conditions of approval carefully as they form part of the approval decision. Advisory Comments, if applicable, are also attached and are intended to be of assistance in obtaining additional permits and supplementary information for the successful completion of your development.

Development approved by this permit must commence by October 7, 2023 or the development permit shall cease to be valid.

The decision will be advertised beginning October 13, 2022 at www.calgary.ca/publicnotices, which is the start of the mandatory 21-day appeal period. This appeal period will conclude at midnight November 3, 2022. Release of the permit will occur within 2-4 business days following the conclusion of the appeal period and upon receipt of all Prior to Release requirements.

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.

Please note that this letter is to advise you of the conditions of approval, the mandatory advertising appeal period and the timeframe in which you may appeal this decision. If no appeals have been filed during the appeal period, your Development Permit will be released. Should you require clarification of the above or further information, please contact me at 587-225-2842 or by email at Joshua.Paul@calgary.ca and assist me by quoting the Development Permit number.

Sincerely,

Joshua Paul
Senior Planning Technician
Planning and Development
Attachment(s)



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

DP2022-06167

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

386 CAPRI CR NW

Community: **Charleswood**

L.U.D.:**R-C1**

and legally described as:

936JK;1;39

and permits the land to be used until **October 7, 2025** for the following development:

Temporary Use: Home Occupation - Class 2 (Personal Trainer - 3 years)

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: **October 7, 2022**

Development Authority: **Maurie Loewen**

File Manager: **Joshua Paul**

Release Date: _____

This permit will not be valid if development has not commenced by: October 07, 2023

This Development Permit was advertised on: **October 13, 2022**

This is NOT a Building Permit

In addition to your Development Permit, a Building Permit may be required, prior to any work commencing. 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: **RAW FITNESS YYC**

Address: [REDACTED] **CR NW**

City: **Calgary, Alberta, T2L1B2**

Phone: [REDACTED]



Conditions of Approval – Development Permit

Application Number:	DP2022-06167
Application Description:	Temporary Use: Home Occupation - Class 2 (Personal Trainer - 3 years)
Land Use District:	Residential - Contextual One Dwelling
Use Type:	Discretionary
Site Address:	386 CAPRI CR NW
Community:	CHARLESWOOD
Applicant:	RAW FITNESS YYC
Planning:	JOSHUA PAUL 587-225-2842 Joshua.Paul@calgary.ca

Permanent Conditions

The following permanent conditions shall apply:

Planning

1. This Development Permit for this home occupation is valid for a period of 3 years from the date of approval and on expiry of that period, either the use shall be discontinued or a new development permit shall be applied for and approval obtained.
2. No more than one person, who is not a resident of the home, is permitted to work at the home.
3. All business related visits to the home must be by appointment only, with a maximum of 3 visits per day to a maximum of 15 visits per week.
4. One motor vehicle parking stall must be provided on the parcel for any parking associated with the home occupation - Class 2.
5. 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.
6. There must not be any signage related to the home occupation located on the parcel.
7. The Home Occupation must not occupy more than 20% of the floor area of the dwelling unit or 30.0 square meters, whichever is less.

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.

8. The Home Occupation must not create electronic interference, dust, noise, odour, smoke or anything of an offensive or objectionable nature which is detectable to normal sensory perception outside the building in which the Home Occupation is located.
9. Direct sales of goods which are not produced by the use are not permitted, unless they are incidental and related to the service provided by the use.
10. The address of the Home Occupation must not be advertised to the public.
11. Overlapping of appointments are not permitted.
12. The business activities for the Home Occupation are limited to the hours of 8:00am - 7:00pm.

Advisory Comments

The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

Planning

13. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.
14. The approval of this development permit does not limit in any way the application of any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline, nor does it constitute any permit or permission under any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline.
15. The approval of the home occupation is based on material submitted in conjunction with the application and should any aspect of the home occupation use change to an extent that any objections are raised, the permit may be revoked.
16. There are many types of caveats and other agreements that can be registered on the title of the property that can restrict the ability to develop. The City has not reviewed or considered all instruments registered on the title to this property. Property owners must evaluate whether this development is in compliance with any documents registered on title.



**APPLICATION FOR A DEVELOPMENT PERMIT
LAND USE BYLAW NO 1P2007**

279584866-004
Taken By:

Application Date **Aug 31, 2022**

APPLICATION NO DP2022-06167

I/We hereby make application for a Development Permit under the provisions of the Land Use Bylaw in accordance with these plans and supporting information submitted herewith and which form part of this application.

Total Fees: \$0.00

Cart #:

Applicant: **RAW FITNESS YYC**
Address: **386 CAPRI CR NW**
City: **Calgary, Alberta, T2L1B2**
Phone:

Contact: **Henderson, Nicole**
Phone:
Fax: () -
e-mail:

Parcel Address: **386 CAPRI CR NW**
Legal: **936JK;1;39**
Building Address: **386 CAPRI CR NW**
Legal:

Parcel Owner: **NICOLE HENDERSON**
386 CAPRI CRES NW
CALGARY AB CANADA T2L 1B2
e-mail: **Not Available**

(See title for additional owners.)

L.U.D.: **R-C1**

Community: **CHARLESWOOD**
Sec. Number: **31C** Ward: **04**

Description: **Temporary Use: Home Occupation - Class 2**
(Personal Trainer - 3 years)

Proposed Development is: **Discretionary**

Proposed Use: **Home Occupation - Class 2**

I agree to receive correspondence via electronic message related to this application.

By signing below, I confirm that the contact information provided above is accurate and further, acknowledge the ability of the General Manager - Planning and Development to inactivate and cancel incomplete applications.

Applicant / Agent Signature: _____ Date: _____

The personal information on this form is being collected under the authority of The Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) and amendments thereto. It will be used for the permit review and inspection processes. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. The name of the applicant and the nature of the permit will be available to the public. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

Track your application on-line with **VISTA** Go to: www.calgary.ca/vista and enter your JOB ACCESS CODE (JAC) **DP2022-06167-86458** or call our Planning Support Centre at (403)268-5311.

SDAB2022-0058









Samnick, Cyrille

From: Loewen, Maurie
Sent: Monday, October 3, 2022 7:42 AM
To: Nicole Henderson; Paul, Joshua
Cc: Fandrich, Jamie
Subject: RE: [External] Re: Action Required - Detailed Review for DP2022-06167 at 386 Capri Cr NW

Thank you Nicole.

We'll get this in for approval this week.

Maurie Loewen

Technical Lead Planner
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: Nicole Henderson <[REDACTED]>
Sent: Friday, September 30, 2022 4:43 PM
To: Paul, Joshua <Joshua.Paul@calgary.ca>
Cc: Loewen, Maurie <Maurie.Loewen@calgary.ca>
Subject: [External] Re: Action Required - Detailed Review for DP2022-06167 at 386 Capri Cr NW

This Message Is From an External Sender

This message came from outside your organization.

ATTENTION: Do not click links or open attachments from external senders unless you are certain it is safe to do so. Please forward suspicious/concerning email to spam@calgary.ca

Hi Joshua and Maurie,

Please see below for my response to the Detailed Review requirements in order to complete the application process:

1. I understand the daily and weekly visit limits. I agree to abide by these limits as I have in the past, and will continue to do so in the future.
2. I have removed the option for small group classes from my website, and the only option now for training is to apply for 1:1 training. This change can be noted here: www.rawfitnessyyc.com
3. I have removed the option to rent out the gym, which can be noted here: www.rawfitnessyyc.com

Thank you so much for your time and help with all of this!
Nicole

On Thu, 29 Sept 2022 at 14:18, Paul, Joshua <Joshua.Paul@calgary.ca> wrote:



Good Day,

The detailed review for your Development Permit has been completed and we require additional information before we are able to proceed to a decision.



This email contains the following information:

- Detailed Review

For more information about the Development Permit process please visit www.calgary.ca/dpprocess.

For status updates and more information on your specific Development Permit please visit www.calgary.ca/pdmap.

Please contact me if you have any questions or concerns about your Development Permit.

Thank You,

Joshua Paul, BDT

Senior Planning Technician

Development & Subdivision Application Services | Community Planning

Planning and Development Services Community Planning

T 587-225-2842 | **E** Joshua.paul@calgary.ca

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

The City of Calgary

Planning & Development | Mail Code #8108

3rd Floor, Municipal Building - 800 Macleod Tr. S.E.

P.O. Box 2100, Station M, Calgary AB T2P 2M5



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--

Nicole Henderson
Strength & Nutrition Coach for Moms
rawfitnessyc.com/newsletter

Samnick, Cyrille

From: Loewen, Maurie
Sent: Thursday, September 29, 2022 4:34 PM
To: [REDACTED]
Cc: Paul, Joshua
Subject: RE: [External] Re: Action Required - Detailed Review for DP2022-06167 at 386 Capri Cr NW

Good afternoon Nicole,

Josh has forwarded me your latest email and brought me up to speed on the file. He'll be out of the office for a few days and we don't want his absence to interrupt the review of the file.

We received more than one response to this file regarding the number of visits. Notice posting, and the responses we receive, help us understand the context of the area; but, they don't govern the decisions we make. In this case, we've also observed that your website indicates classes up to four and that drop in classes are available.

We regulate the number of visits to the house as a way to ensure that the house doesn't appear to function as a commercial development. As such, the conditions on the permit limit the number of visits per day, and per week. We don't allow overlapping appointments because we want to avoid having the vehicles for two different customers there at the same time. We like the concept of your post-partum classes; the mother and child would arrive together (2 persons), but only come in one vehicle. Classes for partners would have a similar benefit. Booking classes for people traveling to the home separately is an issue. The information on the website creates the impression that you're booking these classes in a way that doesn't align with the previous approval.

Josh and I wish to support the renewal of your business. In doing that, we want to make sure the permit conditions match what you're doing. If what you want to do is outside of those conditions we need to have a discussion about was to align your needs and our expectations so that the permit can be approved.

Other parties can appeal a decision to approve these types of permits. We work hard to make sure we address any perceived planning issues so that an decision is upheld (supported) by the appeal board.

We look forward to your formal response to the detailed review.

Please contact me with any question.

Maurie Loewen
Technical Lead Planner
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: Nicole McMahon [REDACTED] >
Sent: Thursday, September 29, 2022 2:27 PM
To: Paul, Joshua <Joshua.Paul@calgary.ca>
Subject: [External] Re: Action Required - Detailed Review for DP2022-06167 at 386 Capri Cr NW

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Hi Joshua,

The neighbour who has reported the excess numbers is completely wrong, I can show all my records for the past year. I have not had a class of more than 2 people since moving here. And there is no way I have hit anywhere close to 15 people per week.

Len Brutton has been harassing us as well as other neighbours since we moved here (not just with regard to my business) and I am currently getting a lawyer involved to file harassment against him. It's reached an absolutely unacceptable level of interference in our, and our neighbours, lives.

I will do as is stated in the requirements attached, but I must ask how to ensure that anything Len Brutton submits must be questioned and proven to be true, before it's taken as valid or written against me on my file. I will know more once a lawyer is involved as to how to handle him going forward.

Thank you,
Nicole

Nicole Henderson
www.rawfitnessyyc.com

On Sep 29, 2022, at 2:18 PM, Paul, Joshua <Joshua.Paul@calgary.ca> wrote:



Good Day,

The detailed review for your Development Permit has been completed and we require additional information before we are able to proceed to a decision.

34



Application submitted



Initial review



Detailed re

This email contains the following information:

- Detailed Review

For more information about the Development Permit process please visit www.calgary.ca/dpprocess.

For status updates and more information on your specific Development Permit please visit www.calgary.ca/pdmap.

Please contact me if you have any questions or concerns about your Development Permit.

Thank You,

Joshua Paul, BDT

Senior Planning Technician

Development & Subdivision Application Services | Community Planning
Planning and Development Services Community Planning

T 587-225-2842 | E Joshua.paul@calgary.ca

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

The City of Calgary
Planning & Development | Mail Code #8108
3rd Floor, Municipal Building - 800 Macleod Tr. S.E.
P.O. Box 2100, Station M, Calgary AB T2P 2M5



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388 Capri Crescent NW
Calgary, Alberta, T2L 1B2

13 September 2022

Mr. Joshua Paul
joshua.paul@calgary.ca
File Manager
City of Calgary

**Re: Our Comments Regarding Development Permit
Application DP2022-06167 At 386 Capri Crescent NW**

I Introduction

These comments are in response to the above City of Calgary Development Application. The Notice of this application evidently appeared on the front lawn of 386 Capri Crescent NW on the evening of Friday, September 9th, 2022, with a September 16th deadline for comments. The Notice period is therefore only one week.

First, we recognize that homeowner businesses are increasing and can be of societal value if they operate within the rules.

This Application relates to the proposed operation of a fitness business in an existing 45.01 sq m special-built Fitness Studio in the backyard. We are referring to the Application that is currently at <https://developmentmap.calgary.ca>

The Fitness Studio is approximately 11 m from the window of our Master Bedroom and from the head of our bed.

Requests are italicized.

II Raw Fitness YYC, see www.rawfitnessyyc.com

The homeowner's fitness business currently may operate at an offsite location and is known as Raw Fitness YYC. It has a current web site at www.rawfitnessyyc.com, from which the following may be firmly concluded:

1. Raw Fitness YYC plans to operate from the 46 sq m Ancillary Building in the backyard and is described as a Fitness Studio. It is purpose-built and it seems that it is equipped with its own separately-metered electricity and water supply.
2. Raw Fitness YYC currently offers two types of business services:
 - a. weekly fitness classes of up to 4 adults (plus infants) on each Tuesday and Thursday covering a total duration of 4 hours/week and
 - b. an unsupervised Gym-For-Rental service where members of the public can rent the Gym.

3. In its public advertising, Raw Fitness YYC does not indicate how many fitness classes and how many one-hour Gym rentals are currently available or planned for the future.
4. Raw Fitness YYC does not indicate what times during the day it operates, or plans to operate, fitness classes and what times it plans to rent out the advertised Gym to the public.

We request that the Gym-For-Rent service be disallowed because it is unlimited, unsupervised and incompatible with a quiet residential area.

III Maximum Floor Area of the Fitness Studio for a Class 2 Business License

Our viewing of the Building Plans at the Triwood Community Association in 2020 indicated an approved floor area of the Fitness Studio given by 6.71 m by 6.71 m = 45.01 sq m area (plus an additional footprint of approximately 8 sq m contributed by the overhanging eaves). If this is the case, then the size limit of 45.01 sq m exceeds the maximum allowed area of 30 sq m by over 50% and is thereby in serious violation of the rule for a Homeowner's Class 2 Business License.

The area of the Fitness Studio evidently exceeds the 30 sq m rule for a Class 2 Business License by over 50% and so we request that the application for such a license should be denied.

IV Advertised Gym-For-Rent Services Not Mentioned

If the advertised Gym-For-Rent service at www.rawfitnessyyc.com is to operate out of the Fitness Studio, then the posted Notice is misleading because it only mentions operation by a Personal Trainer with no mention of the intent to run an unsupervised Gym-For-Rent facility.

Allowing an unsupervised Gym-For-Rent operation for public rental on Capri Crescent is unprecedented and would most probably, over time, be the tip of an iceberg that will permanently change the current park-like quiet atmosphere and be a source of noise for us at #388. *For these reasons, we oppose a Gym-for-Rent service just 11 m from our Master Bedroom.*

V Parking Limit and Gym-For-Rent Services

According to its web site, Raw Fitness YYC currently offers 4 hours per week of Personal Fitness services plus an unspecified number of one-hour Gym-For-Rent services. The current Class 2 rules for parking and traffic limit client vehicles to 5 vehicles per day or 15 vehicles per week. *We therefore request that it be clarified that this vehicle limit covers all Raw Fitness YYC services, thereby including any Gym-For-Rent services.*

VI Parking Limit, Traffic and Pre-school Children Accessing the Park

Currently, all normal parking and vehicle traffic is by residents of Capri Crescent who are fully aware of the danger that many pre-school children may stray from the Park onto the roadway of the Crescent, after playing and picnicking on the surrounding Park. An existing Day Care on Capri Avenue abuts the Park and many of its pre-school children regularly play on the Park. We anticipate that many visiting clients of Raw Fitness YYC will be completely unaware of this danger

and therefore the probability of serious accidents between children and vehicles would significantly increase. For this reason, we request that, in addition to the permitted limit of 5 vehicles per day or 15 vehicles per week, *at any one time parking be limited to 2 vehicles on the homeowner's drive and 1 on the road outside 386 Capri Crescent*. This would allow the current Raw Fitness YYC fitness classes to continue in the Fitness Studio while significantly alleviating parking and traffic issues.

VII Impact Noise Created by Gym Weights and Music

From our experience, when just one person is using the Fitness Studio, the multiple Gym weights synchronously hit the concrete floor and create an infrasound rumble that travels in the ground and vibrates the wall and window of our Master Bedroom that is located approximately 11 m from the Fitness Studio. We estimate up to 5 times the current infrasound noise level will occur when the planned fitness classes and Gym rentals are in full operation. Significant levels of music are also heard in our Master Bedroom and backyard. We therefore request that *all services of the Fitness Studio be limited to weekdays and the period from 9.30 a.m. to 5 p.m.*

VIII Summary

Based on the above, we request the following:

- A. *The application be denied if the Fitness Studio exceeds the 30 sq m area rule and, in any event,*
- B. *Gym-For-Rent services be denied*
- C. *The current rule for vehicle limits (of 5 vehicles per day or 15 vehicles per week) cover all Raw Fitness YYC services, therefore including any approved Gym-For-Rent services as well as its supervised fitness classes.*
- D. *Parking at any one time be limited to 2 vehicles on the homeowner's drive and 1 on the road outside 386 Capri Crescent.*
- E. *All services of the Fitness Studio be limited to weekdays and the period from 9.30 a.m. to 5 p.m.*

Sincerely

Dr. L.T. Bruton, FRSC, FIEEE, P.Eng.
Mrs A. Bruton

Yakemchuk, Michele

From: Loewen, Maurie
Sent: Monday, October 24, 2022 3:16 PM
To: Len Bruton
Cc: Paul, Joshua; Yakemchuk, Michele
Subject: RE: [External] Re: DP2022-06167 #386 Capri Crescent NW

Categories: 4. Appeals

Hello Dr. and Mrs. Bruton,

Thank you for your email. I have added Michele Yakemchuk to our discussion as she'll be representing the City if you choose to appeal. The goal is to inform so you can decide if you want to pursue an appeal.

FOIP can sometimes make this job difficult. It protects the information of those involved, but, sometimes makes it difficult for people to view the file in full. You can certainly make a request to the FOIP office to view this file in greater detail. However, I am not sure if the FOIP office will be able to get that information to you before you need to decide to appeal. The materials you viewed through our planning resources centre have been reviewed to ensure they are compliant with FOIP; however, the materials are not as fulsome as a FOIP request. Different rules apply when something is in front of a Quasi-judicial Board (like the SDAB). You'll see more in an appeal file than through our records centre.

Question I Missing Information:

1. The Land Use Bylaw definition of Home Occupation Class 2 states in section 208 (e): "may use the ***private garage*** or **Accessory Residential Building** for business related activities, including storage;". The Bylaw is structured to use enabling language (section 8). It's our interpretation of the rules that when approving a Home Occupation Class 2 the applicant is enabled to use their garage unless the conditions of the permit specifically state otherwise. In some cases we may condition a permit to say that a garage can not be used. Section 38 (1) of the Bylaw covers what can conditioned the performance of a use. This is how we applied conditions which limited the hours of operation.
2. A FOIP request would be required to view this form. It is provided to the SDAB in case of an appeal (some sections will still be redacted).
3. The Notification of Decision Letter relates to the Municipal Government Act requirement of providing a written decision. The written decision date forms the start of an applicant's time to appeal a decision (they have a different 21 days than an affected person). A FOIP request would be required to view this document.
4. We had a discussion with the applicant to ensure they fully understood what was being asked of them and they agreed.
5. Condition 7 relates to the maximum floor space within the Dwelling Unit. It does not relate to the Accessory Residential Building (detached garage). Businesses that use a garage typically also use the house for administration areas (cabinets built in garage, bill sent from home office).
6. Fitness training is different and distinct from operating a drop-in gym. The approval is specific to the training element only. The approval makes no reference to renting the space as a gym as that is not part of training. The conditions however do indicate that the business is by appointment only. This was covered with the applicant in the discussion noted under no. 4 above.

Question II Clarification:

Condition 3: The intent of limiting visits is to address the intensity of activity on the street. One car bringing a couple to receive training is intended to be interpreted as one visit. If that same couple came in two vehicles it could be interpreted as two visits and thus be in breach of the conditions.

Condition 7: Please see no. 5 above.

Condition 11: We do not regulate the duration of a session, only the hours upon which they can occur and the maximum number of visits per day as it relates to the answer for Condition 3 above.

Condition 12: The condition is intended to regulate the hours of the day, not the days of the week.

Kind Regards,

Maurie Loewen

Technical Lead Planner

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: lenbruton <[REDACTED]>

Sent: Sunday, October 23, 2022 1:13 PM

To: Loewen, Maurie <Maurie.Loewen@calgary.ca>; Paul, Joshua <Joshua.Paul@calgary.ca>

Cc: Fandrich, Jamie <Jamie.Fandrich@calgary.ca>; McMahon, Ross T. <Ross.Mcmahon@calgary.ca>

Subject: [External] Re: DP2022-06167 #386 Capri Crescent NW

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Hello Maurie and Joshua

Re: DP2022-06167 at 386 Capri Crescent NW

As you will know, we live at 388 Capri Crescent NW. and our Master Bedroom is approximately 11 meters from the Ancillary Building that is currently a well-equipped Gymnasium.

On Oct 21 we were provided with access to the document entitled 'Conditions of Approval - Development Permit' and we have noted that there are 12 permanent conditions (1-12) and an additional 4 Advisory Comments (13-16).

I Missing Information

1. None of the items 1 to 16 refers to the fact that there exists a pre-built 45 sq m Ancillary Building in the rear of the property out of which the Applicant, Raw Fitness YYC, plans to conduct its business operations under the requested Homeowner Class 2 Business License.
2. We do not have access to the 'materials submitted' referred to in item 15
3. We do not have access to the 'notification of decision letter' referred to in item 13.
4. Has Raw Fitness YYC agreed to the conditions 1 to 12 ?
5. There is no direct mention that there evidently exists a formal request for relaxation of condition 7. Please confirm this and if so, provide the relevant documentation?
6. The City posted a Notice Board on the lawn of #386 on September 9th, stating for passers-by that the purpose of the requested License is for Personal Fitness Training. However, the Applicant has in the past advertised additional activities that includes unsupervised rental of the Gym. Is unsupervised rental of the Gym permitted by the City in this case ?

Under FOIP, we are requesting here that you please answer the above so that if we need to appeal we have full information.

II Clarifications of Conditions 3, 7, 11 and 12

Condition 3 states - *All business related visits to the home must be by appointment only with a maximum of 3 visits per day to a maximum of 15 visits per week.*

Please confirm that the word 'visit' refers to a visit to the home by a single visitor and that this person must have an individual appointment? This was our understanding from our recent conversation with Maurie Loewen, implying, for example, that a single vehicle that arrives with 4 persons implies 4 'visits' and 4 individual appointments under condition 3. Otherwise, 15 vehicles per week at 4 persons per vehicle would imply 60 single person visits per week and we assume that this is not the intent.

Does a single visiting adult with an infant (under 2) count as one or two visits? Is a single appointment limited to one hour

Condition 7 states - *The Home Occupation must not occupy more than 20% of the floor area of the dwelling unit or 30.0 square meters, whichever is less.*

1. Given that the Ancillary Building exceeds 45 square meters, and is therefore 50% over the limit of 30 square meters, please confirm that this building cannot be used for the requested Class 2 Business License under Condition 7?
2. We were informed verbally by Ross McMahon that there exists a request for a relaxation of the limit of 30 square meters. Please confirm whether Raw Fitness YYC has sought or received a relaxation of Condition 7?
3. If such a relaxation has not been approved, can a relaxation be the subject of an Appeal by Raw Fitness YYC?

Condition 11 states - *Overlapping of appointments are not permitted.*

Is there any limit or expectation that the duration of single appointments be limited in duration? For example, to one hour.

Condition 12 states - *The business activities for the Home Occupation are limited to the hours of 8 a.m. - 7.00 p.m.*

Does Condition 12 imply that the hours are also limited to Monday to Friday?

A prompt reply to the above questions would be much appreciated so that, if necessary, we have time to appeal by the November 3 deadline.

Sincerely

Dr. L.T. Bruton, FRSC, FIEEE, P.Eng.

Mrs. A. Bruton

On Oct 11, 2022, at 4:06 PM, Loewen, Maurie <Maurie.Loewen@calgary.ca> wrote:

Good Day,

Thank you for speaking on the phone today. The approved conditions for this permit can be viewed through our proerty research centre. The contact information is below.

The application review

In addition to your comments, several other factors will be taken into account including the Land Use Bylaw rules; applicable planning policies; circulation comments from external and internal referees (for example, the Community Association and City departments); and all relevant planning considerations. When a thorough review of the application has been completed, a decision will be recommended to the approving authority.

Where to obtain application status updates

For internet access to general information including the Development Permit status, please visit our website and view the Development Map: <https://dmap.calgary.ca/>. Currently, this map displays recent planning applications on each parcel within the City.

If you are unable to access the internet, general status information about this application may also be obtained by calling the Planning Services Centre at 403-268-5311 or by contacting me (at the phone number below).

How do I view the application plans and available information?

For your convenience, while the application is under review, we're offering online viewings of permit drawings and documents using Microsoft OneDrive. If you'd like to schedule a digital viewing, please complete our [Viewing Authorization Form](#). You can then send an email to PropertyResearch@calgary.ca attaching the filled out form and providing a date (Monday – Friday) you'd like to view the Development Permit, allowing for 1 business days' notice. The plans will be available on your appointment day from 9AM to 4PM. Please note these documents are copyright-protected and you may not download them during the viewing.

If you have a Microsoft 365 account, please book your viewing using the email address associated with your account. You must log in with your Microsoft credentials to view the files. We'll email you to confirm your appointment after we've verified your form and date.

If your preference is to view the permit drawings and documents from a Surface Pro at the Municipal Building (3rd Level, 800 Macleod Trail S.E.) please also email PropertyResearch@calgary.ca and provide a date (Monday – Friday) you'd like to view the Development Permit, allowing for 1 business days' notice. We'll email you to confirm your appointment after we've verified the availability of you date.

Notification of Decision

If the Development Authority approves the application, the decision will be advertised on the Public Notice section of our website the following Thursday. For a listing of Development Permits that have been approved and advertised, please visit our website at www.calgary.ca/publicnotices.

Please note that, in keeping with Land Use Bylaw 1P2007, the official notification of the decision to approve the application is by the Public Notice advertisement. **No other public notification process will be initiated and the File Manager is not required to notify you directly.**

Appealing the decision

An appeal against the Development Authority's decision to approve the Development Permit application may be made within 21 days after the [Public Notice advertisement](#). The public notice advertisement will identify the body to which an appeal must be filed.

How Are Your Comments Used?

Your comments assist City staff in reviewing and making a decision on this application and it is the City's practice to keep your comments confidential.

However, if the decision on the application is appealed, all information in our file is disclosed and will become a part of the public record. In such a case, your comments will no longer be confidential.

FOIP Statement

The Personal Information on Submissions made regarding this development permit application is collected under the authority of the Alberta Freedom of Information and Protection of Privacy Act, Section 33(c) and the Calgary Land Use Bylaw 1P2007, Part 1, Section 27 and subsequent versions of the Act and Bylaw. The submission may be included in the public meeting agenda of either, or both, the Calgary Planning Commission or the Subdivision and Development Appeal Board and as such the personal information included in the submission will be publicly available, in accordance with Section 40(1) of the FOIP

42

Act. If you have any questions regarding the collection of this information please contact 403-268-5311 for the FOIP Program Administrator, Planning & Development Department, PO Box 2100, Stn 'M', Calgary, AB T2P 2M5.

Regards,

Maurie Loewen

Technical Lead Planner

Development & Subdivision Applications Services | Community Planning
Planning & Development

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

<image002.png>

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27 September 2022

To Joshua Paul
File Manager, DP2022-06167

Re: Update to our letter dated 14th September, 2022.

This will confirm our conversation of this morning. Please confirm receipt of this update to our submitted comments.

The following is based on new information that was not available to us when we submitted our Sept 14 comments.

Application for a Relaxation of the 30 sq m Rule

Mr. Ross McMahon of the City of Calgary verbally informed us that a Relaxation of the 30 sq m Rule for a Class 2 Business License has been applied for. The so-called Fitness Studio is advertised by Raw Fitness YYC as a Gym and already exists as an Ancillary Building. It has a floor area of 45 sq m, exceeding the area Rule by 50%. We do not find this information at the City of Calgary web site and therefore none of our neighbours is likely to be aware of this overbuild. If the overhanging eaves are included, we calculate that the area is approximately 53 sq m and this exceeds the 30 sq m Rule by over 76%. We question why such an overbuild is necessary unless services other than Personal Fitness Training to a few mothers and their infants is planned.

Renting of the Ancillary Building to the Public as an Unsupervised Gym

The apparently undeclared intention is as follows.

Based on our conversation today, Raw Fitness YYC has failed to inform the City of its operation of the Ancillary Building as a Gym. Therefore, the posted Notice at #386 fails to mention this.

The City may confirm the above by referring to the current Instagram video by Raw Fitness YYC at rawfitnessyyc. In the video, the public is invited to rent the Gym as follows:

*‘Regarding Gym Rentals:
You book a time slot
Workout is written for you
Uncoached 1-hour rental’*

Although current advertising limits rentals to a maximum of 2 persons, earlier Facebook advertising allowed up to 4 persons per session for unsupervised Gym rental.

Additional Concerns

In addition to the concerns and objections in our Sept 14th letter, we now have the additional concerns that

- a) The City and most of our neighbours are evidently unaware of the Gym-For-Rent operation under the current Temporary Permit. We reiterate our objection to Gym-For-Rent services as described in our Sept 14th letter.
- b) Most of our neighbours are almost certainly unaware of the existence of a pre-built Gym that exceeds the 30 sq m Rule by at least 50%. We reiterate our objection to the violation of the 30 sq m Rule and suggest that the 45 sq m area would only be justified if the intent is unsupervised uncoached Gym rental to the public.

Thank you.

Sincerely

Dr L.T. Bruton, FRSC, FIEEEE, P.Eng.
Mrs A. Bruton

■ Capri Crescent NW
Calgary

Samnick, Cyrille

From: [REDACTED]
Sent: Monday, September 12, 2022 10:27 PM
To: Paul, Joshua
Subject: [External] CIRC. REF - 386 CAPRI CR NW - DP2022-06167 - DMAP Comment - Mon 9/12/2022 10:26:35 PM

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

ATTENTION: Do not click links or open attachments from external senders unless you are certain it is safe to do so. Please forward suspicious/concerning email to spam@calgary.ca

THIS IS A CIRC REF.

Application: DP2022-06167

Submitted by: Neda Moazen

Contact Information

Address:

Email: [REDACTED]

Phone: [REDACTED]

Overall, I am/we are:

In opposition of this application

Areas of interest/concern:

Site access and accessibility, Parking or loading zones, Other

What are the strengths and challenges of the proposed:

Will the proposed change affect the use and enjoyment of your property? If so, how?

The City views applications in the context of how well it fits within the broader community and alignment to Calgary's Municipal Development Plan (MDP). Do you see the proposed changes as compatible to the community and MDP? If not, what changes would make this application align with The City's goals?

How will the proposed impact the immediate surroundings?

General comments or concerns:

This proposal has concerned the safety of my kids and dog playing in this closed small park by bringing cars that are not familiar with neighborhood and the playing kids and dogs. This area has been a safe and quite

46

place for the residents and also the everyone walking in this crescent to enjoy the quietness and peaceful environment where the kids can play with no Hazzard. In addition, With having lots of seniors in this community a personal fitness business can bring lots of noise and disrupt their quite house environment.

RAW FITNESS YYC

SDAB2022-0058 Presentation & Supporting Documents

Prepared for: Calgary Subdivision and Development Appeal Board (SDAB)

Prepared by: Nicole Henderson, Raw Fitness YYC (Owner)

Appeal Number: SDAB2022-0058, DP2022-0616

Submitted on: November 9, 2022

Contact information: 386 Capri Crescent NW, 403-607-2511, nicole@rawfitnessyyc.com

RAW FITNESS YYC

NOISE CONCERNS

Hours of Operation

In the City's proposed permit, DP2022-06167, "the business activities for the Home Occupation are limited to the hours of 8:00am-7:00pm", which falls well within City noise by-law hours. Raw Fitness YYC has never had a client at 386 Capri Cres NW outside of Calgary noise by-law hours.

Building Code

Our accessory building was built to the same spec as our house. That is, 2 x 6 studded walls with fibreglass insulation and 3/4 inch plywood sheath and interior drywall.

Sound System

Music is played through a single small Sonos One speaker. This is a standard off-the-shelf home speaker, meant to play music in a single room only (ie. it is for home personal use, not professional use). See image below.



Image 1: Sonos One Speaker

RAW FITNESS YYC

Adjacent Neighbours' Letters of Support

Letters #1, #2, and #3 on pages 6, 7, and 8 of this document include written confirmation that there have been no noise disturbances from the neighbours directly next door to us to the East (384 Capri Cres NW), neighbours directly behind us (2719 48th Avenue NW) as well as the neighbours to the Northwest corner of us (directly across the alley from L. Bruton).

Nature of Training

As part of my continuing education as a Personal Trainer, I hold the Pregnancy and Postpartum Athleticism certification as well as the Postnatal Fitness Specialist Academy certification. I really want to distinguish the type of training I do from mainstream fitness classes such as F45, Orange Theory, etc. Unlike those high energy and often loud classes, the type of training I do is much more methodical and requires conversation between myself and my client throughout a session. Me, providing cues and direction, them, giving feedback on how the movement is impacting them. There is a lot of focus on mind body connection, breathing, and form. There is no shouting, nor any booming music. The sound level is no different than if you and a friend were listening to music and having a conversation in your home.

Addressing Leonard Bruton's Appeal

In Leonard Bruton's appeal, he states the gym is "located just 11 meters from our Master Bedroom." Our home is 10 meters from the gym, with my 5 year-old's bedroom directly in front of the gym, and my 3-year old's bedroom directly next to hers. My greatest priority as a parent is my children's sleep, and thereby, my own sleep. I am either sleeping myself or am with my children as they wake up in the morning. I have not made myself available for early morning clients since having my first child almost 6 years ago. As mentioned above, sleep for myself and my children takes precedence over all else for me at this stage of life.

PARKING & TRAFFIC CONCERNS

Available Parking

Our home has a two-car driveway, as well as room for two additional cars directly in front of our home. Directly across from our home is a green space. See image below.



Image 2: Double Car Driveway and Front of House Parking

Addressing Neighbour Comments

In the “Detailed Review 1” from Joshua Paul (City of Calgary), it was noted “Comments from the surrounding neighbors indicate that more than the allowable 3 visits per day and 15 visits per week have been commencing under the previous approval.”

I am unsure what vehicles were being counted, even with counting grandparents visiting, babysitters, delivery vehicles, trade vehicles, taxis or Ubers, Enmax or other City vehicles, or vehicles parked in front of our house that were visiting other neighbours, it would be hard to reach those numbers. I have never exceeded the allowable number of vehicles per day, nor even come close to the allowable visits per week for my business.

Below I have listed all visits for Raw Fitness YYC for 2022. The number beside each date represents the number of visits on that day. There were zero days that went over 3 visits, and no weeks that came close to 15 visits. Please note, "TOTAL" row is the total visits for the month.

	January	February	March	April	May	June	July	August
	Jan.6: 1	Feb.1: 1	Mar.3: 1	Apr.4: 1	May.2: 1	Jun.1: 1	Jul.25: 1	Aug.3: 1
	Jan.11: 1	Feb.3: 1	Mar.8: 1	Apr.5: 1	May.3: 1	Jun.3: 1	Jul.28: 1	Aug.5: 1
	Jan.18: 2	Feb.4: 1	Mar.17: 1	Apr.6: 2	May.4: 1	Jun.6: 1		Aug.8: 1
	Jan.27: 1	Feb.15: 1	Mar.22: 1	Apr.7: 1	May.5: 1	Jun.8: 1		Aug.23: 1
		Feb.24: 1	Mar.24: 1	Apr.11: 1	May.6: 1	Jun.9: 1		
		Feb.25: 1	Mar.29: 1	Apr.12: 1	May.9: 1	Jun.10: 1		
			Mar.31: 2	Apr.13: 1	May.10: 1	Jun.13: 1		
				Apr.15: 1	May.11: 1	Jun.14: 1		
				Apr.17: 1	May.12: 1	Jun.15: 2		
				Apr.20: 1	May.13: 1	Jun.17: 3		
				Apr.25: 1	May.16: 1	Jun.20: 2		
				Apr.26: 1	May.18: 1	Jun.21: 1		
				Apr.27: 1	May.19: 2	Jun.22: 2		
				Apr.28: 1	May.23: 1	Jun.23: 2		
				Apr.29: 1	May.24: 1	Jun.24: 1		
					May.25: 1	Jun.27: 1		
					May.27: 1	Jun.29: 1		
					May.30: 1			
					May.31: 1			
TOTAL	5	6	8	16	20	23	2	4

NEIGHBOURS' LETTERS OF SUPPORT

Letter #1: Next-Door Neighbour to the East - 384 Capri Crescent NW

Subdivision and Development Appeal Board
November 4, 2022

Re: appeal number SDAB2022-0058

To Whom it May Concern,

Our names are James and Ashley Anderson and we live at 384 Capri Cr NW, direct neighbours to Nicole Henderson on the east side. We knew when Nicole first moved in next door that her plan was to do some personal training in the small gym they built in their backyard. This seemed to us a great idea for a young mother who would like to still work a little bit and also be very present for her children. We believe she has been doing some personal training in her gym in the past year but we have not noticed any change to the amount of people coming and going in the crescent, the cars parked outside our house, or any extra noise or disturbance at all. It has had no impact to the daily happenings in the crescent.

We are very glad to have Nicole and her family as our neighbours. They have been friendly and accommodating in every way. It is very nice to have young families on the crescent. We have nothing but respect and admiration for Nicole's desire to create her own work possibilities close to home in a way that enhances her life and that of her family. We fully support her business venture.

With respect,
James and Ashley Anderson

Letter #2: Neighbour Directly Behind Studio, Across Alley - 2719 48th Avenue NW



Nicole Henderson <nicole@rawfitnessyc.com>

letter

1 message

Karen Sabourin <ksabourin001@gmail.com>

8 November 2022 at 16:50

To: "nicole@rawfitnessyc.com" <nicole@rawfitnessyc.com>

To Whom It May Concern,

My name is Karen Sabourin. My husband Peter and I live directly behind (across the alley) from the building seeking the permit renewal. To date, we have not heard any noise nor have we been disrupted in any way by the business operating at this location. I am happy to offer my support for it to continue operating as it has been.

Warmly,
Karen Sabourin

Letter #3: Diagonal Neighbour Across Alley (Directly Behind L. Bruton) - 2723 48th Avenue NW

Janet Mallory
2723 – 48th Avenue NW
Calgary, AB T2L 1C4

November 5, 2022

To: The City of Calgary – Business Permit Department
Re: Nicole Henderson – Raw Fitness YYC

Please accept this letter of support for the above business in my community. My house is located diagonally (NW) across the alley from the Raw Fitness studio. I have not experienced any type of disturbance from any activity on the property at any time of day or night.

Our family with 4 kids spend a lot of time in our back yard and we have never heard any noise coming from the studio including music, voices or equipment. Additionally, We've never seen or heard a conversation with any patrons outside of the studio. I assume this is because Nicole operates her business responsibly and her clients are respectful and courteous by quietly coming and going to their fitness sessions.

On a personal note, I feel that Raw Fitness YYC provides a wonderful opportunity for people in our community to receive the virtue of improved physical and mental health as well as coming together socially, which is a great way to get to know your neighbours.

Please contact me at **403-862-3159** or mallory@shaw.ca if you have questions or require further clarification about my experience living so close to this business.

Sincerely,

Janet Mallory

Letter #4: Capri Crescent Neighbour - 382 Capri Crescent NW

Gordon and Julie Mross
382 Capri Cres NW
Calgary, Alberta
T2L1B2

City of Calgary
Appeal Board

Re: DP2022-06167
SDAB 2022-0058

November 5, 2022

To the Appeal Board Review Committee,

This letter is a letter of recommendation for the applicant Raw fitness YYC to receive their approval for the home-based business located at 386 Capri Cres NW Calgary.


We live two doors down from applicant's home. During the application process, the applicant Nicole, informed us of her application and the mission and vision of her business. We have reviewed the Permanent Conditions listed on the Conditions of Approval and support the application as it is outlined.

This business provides consultation and training to pre and new moms. We are parents of 2 married children (boy and girl) who have both this past year provided us with 2 grandchildren. Pre and post-natal journeys with our children, and their spouses, have confirmed the need for the services provided by Raw fitness YYC.

Capri Crescent is a quiet crescent, and we believe it will remain the quiet street we enjoy while this home based business operates.

We fully support this Development Permit Application, and the mission and vision of Raw Fitness YYC.

Regards,


Gordon Mross
403-990-8871


Julie Mross
403-850-8871

Letter #5: Capri Crescent Neighbour - 386 and 370 Capri Crescent NW

November 7, 2022

Regarding Appeal **2022-0058 - 386 Capri Crescent NW (DP2022-06167)**

To whom this may concern,

Our names are Matthew and Jessica Artinger, home owners of 368 and 370 Capri Crescent NW, and neighbours of residents at 386 Capri Crescent NW. This letter is written to convey support in the **approval** of the permit application (DP2022-06167) sought out by residents at 386 Capri Crescent NW, for the purposes of modifying the land use to Home Occupation Class 2 to allow for a quiet personal training business to run from a dedicated structure at the rear of the property. In the duration of our residence at 370 Capri Crescent NW, there has not been an instance where increased traffic (vehicle and foot) or noise has been observed in relation to a business operating from 386 Capri Crescent NW.

As a personal training business, this seeks to improve the mental, physical, and emotional health of women, with a focus on the postpartum demographic. Further, the business owner aims to operate from their property to allow for them to stay home with their young children and financially support their family. No single household (the appellant) should carry unilateral say in how a family chooses to support themselves financially. The current approved license already significantly restricts the scope in which the business can operate (number of participants, rental of the dedicated facility for private use, etc) which in turn minimizes community impact.

We support the approval of the aforementioned business license to allow the residents at 386 Capri Crescent NW to continue operation from their property as this yields minimal impact on the surrounding homes and residents within.

Please feel free to contact either of us at the following email addresses should further comment or clarification be required.

Jessica and Matthew Artinger
368 and 370 Capri Crescent NW
jnartinger@gmail.com
matt.arteringer@gmail.com

Letter #6: Capri Crescent Neighbour - 398 Capri Crescent NW

JJ Webb <jjwebb3@hotmail.com>	Sun, Nov 6, 2022 at 6:06 PM
To: Nicole	
Hello,	
Please accept this email for our opinions on the proposed permit condition issues for 386 Capri Crescent.	
Our family has lived at 398 Capri Crescent for 5 1/2 years and we have thoroughly enjoyed the neighbourhood and the park.	
We can honestly say that we have had zero concerns with Nicole's business operating at her location. We have not noticed loud noises and have not noticed an increase in traffic or parking on the street. We live on a park so there are always visitors spending time at the park and a lot of them drive there and park on the crescent while using the green space. Quite often there are jugglers, frisbee teams, youth groups and family picnics occurring at that location.	
There has been increased traffic and noise due to home renovations occurring throughout the year....which we were a part of, the use of the park as a base of operations for Enmax and other local businesses and quite often we have driving lessons that occur on our street for learning how to park. Traffic on the crescent increases dramatically when someone is selling their house but I cannot think of how a local, small personal training business can do anything other than bring positivity to the clients and to Nicole.	
We believe that Nicole's business will not have any negative impact on daily life for the residents of Capri Crescent or Capri Avenue. We didn't even know that her business was operating during the last year until this issue was brought up by a neighbour. It is actually quite surprising to us that this has become an actual complaint and concern for any of the residents.	
Please feel free to contact us at this email address or at the phone numbers listed below. We would happily show our full support for this local business!	
Thanks so much!	
JJ Webb 403-477-7414 Dwight Webb 403-835-8143	

Letter #7: Capri Crescent Neighbour - 394 Capri Crescent NW

Sarah Christie
394 Capri Crescent, NW
Calgary, AB
T2L 1B2
403-968-9045
sarahcd@telus.net

Good Day,

I am writing this email in support of my neighbour, Nicole Henderson, and her home-based business, Raw Fitness YYC.

I became aware of this "discussion" through a series of emails that I received while in Vancouver several months ago. JJ Webb's email in particular resonated with me and I called her. Upon my return I talked to several Neighbours and then to Nicole.

I am a single Mum with 2 children who has been renting our home for the past 8 years. We love this crescent, this neighbourhood and our neighbours. It is a little oasis in a busy city and I would not want anything to negatively impact its atmosphere.

During COVID, our family, like everyone's, was isolated and home bound. I think I would not be alone in saying it was a very overwhelming time. The pandemic, in my opinion, caused people to react in two very different ways. Some focused on their own situation, their own stress and worries and their world view became very narrow. Others, seeing themselves as part of a community, a larger entity than just their own household, focused on what was best for everyone, the "We are all in this Together" movement.

After the first wave, my brothers and I decided to move my mother, who had dementia and was total care, out of her long-term care facility and bring her home to live here on the crescent with me. We were homebound like everyone else, but even after many of the restrictions lifted, we were still here...at home, on the porch, walking around the crescent pushing Mum in her wheelchair.

Why am I telling you all this? Two reasons, to let you know that my family loves this neighbourhood and is very invested in it, and more importantly, in my long-drawn-out way, to say that I had no idea that Nicole had a home-based business. None.

It is my understanding that there has been some concern voiced about the possibility of increased traffic, more than the allowed number of visits per week by clients, and that negatively affecting the crescent. I have seen absolutely no evidence of that at all.

The pandemic also had the effect of focusing our attention on our vulnerable populations. The elderly, immunocompromised people, the very young...

A vulnerable population that is sometimes overlooked is new mothers. New motherhood can be a time where one feels isolated and unsure. I know when I was a new mum, I got amazing support from women in the same situation. Nicole's business is providing an invaluable service to this foundational group.

In short, and I realize that this wasn't, I have seen no evidence of Raw Fitness YYC negatively impacting Capri Crescent in any way. I think Nicole provides an invaluable service and support to women and new mothers and I hope that she is able to continue offering her classes out of her home in the future.

Yours truly,
Sarah Christie

Letter #8: Triwood Community Member & Client

Beth McIvor
176 Constable Rd NW
Calgary, AB
T2L 0S7

Nov 6, 2022

Re: appeal number SDAB2022 - 0058

To Whom it May Concern,

I am writing to express my appreciation and my support for Nicole Henderson. Nicole is a wonderful person, mother, community member, and a local business owner. She has worked extremely hard to have a small business that supports her passion for personal training and building community, especially for mothers with small children who benefit from movement and from community. Nicole is professional, educated, kind, respectful and is committed to helping others learn about and to feel great in their bodies.

Nicole has built a beautiful, small, intimate gym in her backyard in the inviting community of Charleswood that is accessible for local community members like me. The gym is very private, and in my experience of being in her gym it causes absolutely no disturbance to anyone else. I had been working out in Nicole's gym since March of 2021 and found it to be an easy, problem free experience whereby I would show up, work out and leave without any disruption to the neighborhood.

Having the ability to workout in Nicole's beautiful community focused, private gym was a fantastic experience for me as a working mother and a local community member. I was shocked and saddened to hear that I would not be able to attend her gym anymore, as she has created such a beautiful and welcoming place for others to move their bodies for their physical and mental health.

Nicole is an upstanding community member who is working hard to support her family, to grow her small business and to create opportunities for others that have a positive impact on their health and therefore on the greater community.

I fully support Nicole and her small business and believe her business is an asset to our community.

Sincerely,

Beth McIvor
artfuloflife@gmail.com
403-998-4260

Letter #9: Triwood Community Member & Client

Nov.6, 22
Appeal #: SDAB2022-0058

Nicole Henderson's small private gym is an amazing resource and service provided in our little NW community. I have known Nicole for many years. I first started training with her after the birth of my second child because of her extensive knowledge and training in women's health including pregnancy and postpartum. I have not only continued to train with Nicole over the years personally, but she has also been a trusted referral source professionally for my pre/postnatal patients. There is nothing quite like the services she provides in this area of town. Nicole has always worked with integrity, honesty and is a good person. This small, locally owned gym that is run with the intent to build community and support the families in it is an invaluable asset in our area.

It is for these reasons that I hope to see small, independent businesses like Nicole's continue to make Brentwood/ Charleswood neighbourhood a wonderful family-oriented community in the city.

If you have any questions at all, please don't hesitate to reach out!

Sincerely,



Dr. Stephanie Moody
Chiropractor
4308 Chapel Rd NW
(403)836-2080

Letter #10: Triwood Community Member & Client



Nicole Henderson <nicole@rawfitnessyc.com>

(no subject)

1 message

Paige Barlow <paige@mosspostpartum.com>
To: Nicole Henderson <nicole@rawfitnessyc.com>

9 November 2022 at 00:28

To whom it may concern,

I have been a client of Nicole's for the past year. Nicole's gym created a safe space for me to reenter the world of fitness. After having 2 kids and not looking after myself I was looking for a place where I could be by myself. I worked as a 1:1 personal training client. The space she has created is unlike no other. I wanted a peaceful space where I could learn and in return become stronger. I am a plus-sized human so it has been low and slow. This approach was necessary so I didn't injure myself. I really miss my sanctuary and now have bought a gym membership at Goodlife. It is not quiet nor private. Thank you Nicole for the kickstart back into fitness I could not have done it without you. I will be forever grateful to you.

--
Paige Barlow
Owner
Moss Postpartum House
www.mosspostpartum.com
@moss_postpartum_houuse
587.223.7366



**Appeal Board rec'd: November 5, 2022
Submitted by: G. Mross, neighbour**

Gordon and Julie Mross
382 Capri Cres NW
Calgary, Alberta
T2L1B2

City of Calgary
Appeal Board

Re: DP2022-06167
SDAB 2022-0058

November 5, 2022

To the Appeal Board Review Committee,

This letter is a letter of recommendation for the applicant Raw fitness YYC to receive their approval for the home-based business located at 386 Capri Cres NW Calgary.

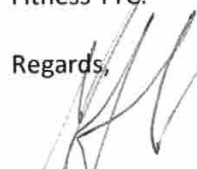
We live two doors down from applicant's home. During the application process, the applicant Nicole, informed us of her application and the mission and vision of her business. We have reviewed the Permanent Conditions listed on the Conditions of Approval and support the application as it is outlined.

This business provides consultation and training to pre and new moms. We are parents of 2 married children (boy and girl) who have both this past year provided us with 2 grandchildren. Pre and post-natal journeys with our children, and their spouses, have confirmed the need for the services provided by Raw fitness YYC.

Capri Crescent is a quiet crescent, and we believe it will remain the quiet street we enjoy while this home based business operates.

We fully support this Development Permit Application, and the mission and vision of Raw Fitness YYC.

Regards,


Gordon Mross
403-990-8871


Julie Mross
403-850-8871

388 Capri Crescent NW
Calgary, T2L 1B2
15 November 2022

Re: Appeal: SDAB2022-0058 (DP2022-06167, 386 Capri Crescent NW)
To: info@calgarysdab.ca
From: lenbruton@shaw.ca

Dear Members of the SDAB,

Yesterday, we read the information that was posted online in relation to this matter and were astonished to read the personal attacks against Len by the applicant in her September 29th email, including the threat of potential legal action.

We want to inform the Board that we have felt intimidated throughout this process because:

- i. The applicant and her husband each came to our doorstep in anger in the moments after receiving feedback from the City at earlier stages of this process (see Appendix 1 of our Nov 7 letter of appeal)
- ii. We have received threats in retaliation for our engagement in this process, such as:
 - a. they will take down our fence
 - b. they are engaging a lawyer about taking legal action against us (for entirely fabricated reasons)
- iii. The applicant has already posted very negative comments and accusations about us on social media
- iv. The appeal-related documents you published yesterday make clear that we have been lied about - to you and to others in our neighborhood - in egregious ways that make us fearful of participating any further in a process that could escalate.

As 38-year members of the Charleswood community, we have engaged in this process in good faith to express legitimate concerns from the perspective of the only neighbor living so close to the Gymnasium in question. We have always behaved professionally and will continue to do so.

Because of the above and because we are fearful of further escalations, further fabrications, further retaliation and possible future legal actions against us, we will not participate in this Thursday's meeting of the SDAB.

We note that the appeal documents that you shared this week contain a September 30th email from the applicant in which she makes the required commitments to abide by the City's very specific concerns about how they were planning to run their business. Only now have we learned of her commitments to not run group classes, only offer 1:1 Personal Training and, most importantly, not to offer unsupervised rentals of the Gymnasium. We wish that we had known about that email before writing our Nov 7 appeal and we trust that these commitments will be enforced by the City.

Sincerely

Len and Avis Bruton

Appeal Board rec'd: November 16, 2022
Submitted by: L. Bruton, appellant

From: [lenbruton](#)
To: [Calgary SDAB Info](#)
Cc: [Alex Bruton](#)
Subject: [External] Representation in Appeal Number SDAB2022-0058 November 17
Date: Wednesday, November 16, 2022 3:10:52 PM

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Hello Jasmin

This will confirm that we give our son, Alex Bruton, permission to represent us in the above Appeal process.

Sincerely

Len and Avis Bruton

Appeal Board rec'd: November 9, 2022
Submitted by: A. Anderson, neighbour

From: [Ashley Truba](#)
To: [Calgary SDAB Info](#)
Subject: *JC* [External] appeal number: SDAB2022-0058
Date: Wednesday, November 9, 2022 7:41:04 PM
Attachments: [Subdivision and Development Appeal Board.docx](#)

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ATTENTION: Do not click links or open attachments from external senders unless you are certain it is safe to do so. Please forward suspicious/concerning email to spam@calgary.ca

My name is Ashley Anderson and I am the next door neighbour to Nicole Henderson at 386 Capri Cr NW, Calgary

Her appeal number is SDAB2022-0058

My address is 384 Capri Crescent NW, Calgary, AB T2L 1B2
My cell phone is 403-585-5541

I am submitting my letter on November 8, 2022 for the hearing on November 17, 2022.
Please find the letter attached to this email.

Thank you very much,
Ashley Anderson

Subdivision and Development Appeal Board

November 4, 2022

Re: appeal number SDAB2022-0058

To Whom it May Concern,

Our names are James and Ashley Anderson and we live at 384 Capri Cr NW, direct neighbours to Nicole Henderson on the east side. We knew when Nicole first moved in next door that her plan was to do some personal training in the small gym they built in their backyard. This seemed to us a great idea for a young mother who would like to still work a little bit and also be very present for her children. We believe she has been doing some personal training in her gym in the past year but we have not noticed any change to the amount of people coming and going in the crescent, the cars parked outside our house, or any extra noise or disturbance at all. It has had no impact to the daily happenings in the crescent.

We are very glad to have Nicole and her family as our neighbours. They have been friendly and accommodating in every way. It is very nice to have young families on the crescent. We have nothing but respect and admiration for Nicole's desire to create her own work possibilities close to home in a way that enhances her life and that of her family. We fully support her business venture.

With respect,

James and Ashley Anderson