

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: April 18, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Sheryl Rice Menezes, Planning Technician (Zoning),
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WARD(S) INVOLVED: 4

DATE OF REPORT: April 11, 2023

REPORT NO.: DSD-2023-179

SUBJECT: Minor Variance Application A2023-044 - 230 Black Walnut Place

RECOMMENDATION:

Zoning By-law 2019-051

That Minor Variance Application A2023-044 for 230 Black Walnut Place requesting relief from Section 4.7.2, Table 4-2, of Zoning By-law 2019-051, to permit a 'Catering Service Establishment' as a home business, with a gross floor area of 18 square metres and not having any clients or customers directly to the premises, in a single detached dwelling with an additional dwelling unit (attached) whereas this home business is only permitted in a single detached dwelling, generally in accordance with drawings prepared by Tacoma Engineers, dated February 21, 2023, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to permit a home business (catering service establishment) to be in a single detached dwelling with an additional dwelling unit (attached).
- The key finding of this report is that the requested minor variance meets the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north-east side of Black Walnut Place which is in the Doon - Pioneer Park Community.



Figure 1 - Location Map (Aerial View)

The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The property is zoned 'Low Rise Residential Three Zone (RES-3)' in Zoning By-law 2019-051.

The applicant is requesting a minor variance to permit a home business (catering service establishment) to be in a single detached dwelling with an additional dwelling unit (attached), whereas this type of home business is only permitted in a single detached dwelling. All other regulations of the Zoning Bylaw will be met, including parking (see detailed comments below).

The applicant advises that the catering business is for food preparation for creating vegan platters consisting of fresh fruit, vegetables, nuts, spreads, vegan cheese and meat alternatives and waste is minimal. The area for the home business is one room located on the second floor.

Staff visited the site on April 3, 2023.



Figure 2 - View from the street

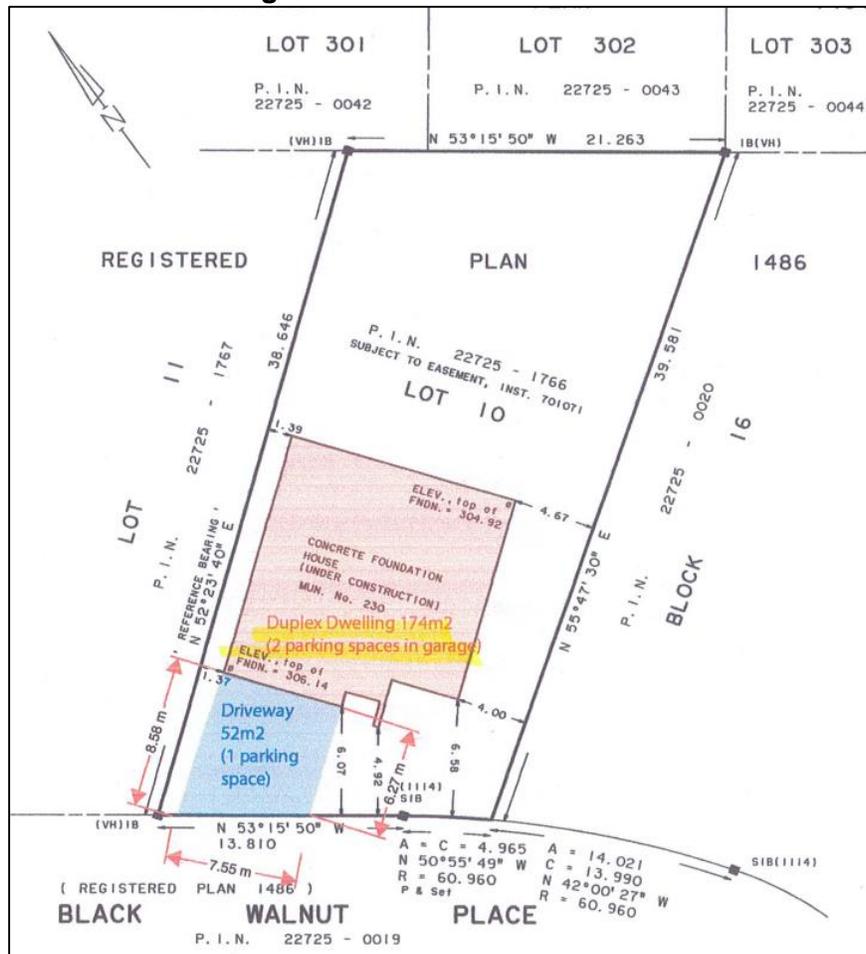


Figure 3 – Survey and Parking Plan

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The property is designated as Low Rise Residential which places emphasis on compatibility of building form with respect to massing, scale, and design to support successful integration of different housing types. It also places emphasis on the relationship of housing to adjacent buildings, streets, and exterior areas. The existing use as a single detached dwelling with additional dwelling unit (attached) is permitted. The massing and scale of the building is not changing. The addition of an accessory home business is in keeping with the intent of the residential designation and therefore the proposed variance meets the intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the regulation prohibiting a catering service establishment as a home business in a dwelling with two units is to ensure that a home business does not negatively impact any other occupants in the building. As noted in the Background section above, the home business is limited to one room on the second floor with minimal food preparation.

The applicant has advised staff that there will be no clients or customers coming to the premises as all orders will be delivered. It is noted that a home business in a duplex with no clients/customers to the premises does not require additional parking. Therefore, parking regulations are met. Staff are of the opinion that there will be no impact on the resident(s) in the second dwelling unit. The requested variance meets the intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The area to be used for the home business is in one room with a total area of 18 sq. m. This is a small portion of the entire building which has a floor area of approximately 174 sq.m. for the two dwelling units. As noted above, as this catering establishment will minimum impacts and there will be no clients going to the property. Staff are of the opinion that the effects of the variance will be minor.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The variance is desirable for the appropriate development and use of the residential building on the subject property as it will facilitate an appropriate home business to operate in a building with two dwelling units. As the use will not attract customers to the property and is limited to one room in one of the dwelling units existing in the building, staff is of the opinion that it is appropriate use of the property.

Environmental Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the addition of 'a food premise' and is currently under review.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*