

December 14, 2023

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Committee of Adjustment
City of Ottawa
101 Centrepointe Drive
Ottawa, ON, K2G 5K7

Committee of Adjustment
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2023-12-18

City of Ottawa | Ville d'Ottawa
Comité de dérogation

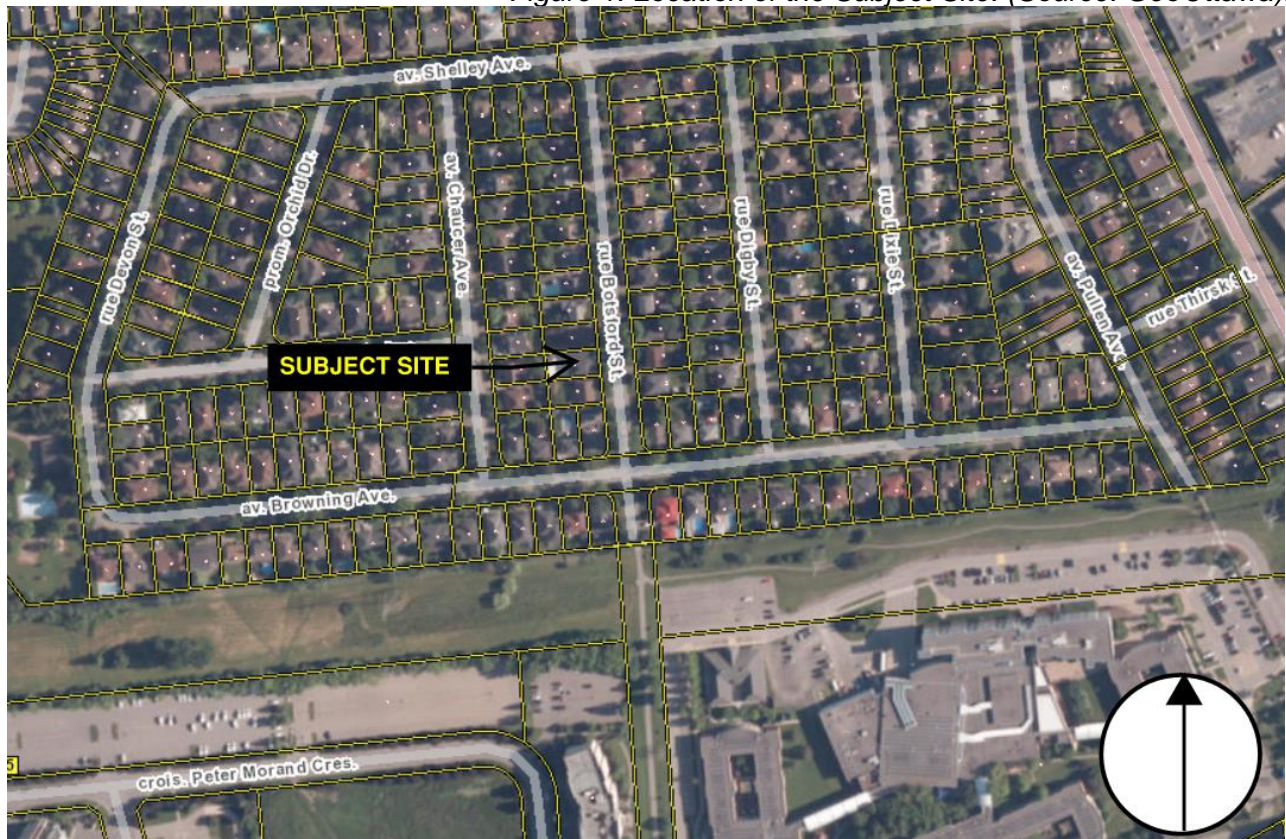
Attention: Michel Bellemare, Secretary - Treasurer
Reference: 1618 Botsford Street
Application for Minor Variance
Our File No 123113

Dear Mr. Bellemare,

Novatech has been retained by the owner of the property municipally known as 1618 Botsford Street (the "Subject Site") to prepare and file an application for Minor Variances to permit a home-based business to occupy 29% of the gross floor area of the principal dwelling unit.

This letter describes the existing conditions of the site and its surrounding context, the proposed development, and the rationale in support of the application.

Figure 1: Location of the Subject Site. (Source: GeoOttawa).



Site and Context

Site

The Subject Site is located in the Elmvale-Canterbury neighbourhood within the City of Ottawa's Alta Vista Ward (Ward 18). The property is an interior lot located on the west side of Botsford Street. The Subject Site is in an area that is bounded by Shelley Avenue to the north, Browning Avenue to the south, Chaucer Avenue to the west, and Digby Street to the east. The property has a frontage of 15.24 metres along Botsford Street, a lot depth of 30.485 metres, and a lot area of 464.47 square metres.

The Subject Site is legally known as Lot 953 Registered Plan 665, City of Ottawa.

Figure 2: Subject Site. (Source: GeoOttawa).



The Subject Site is zoned R1O – Residential First Density, Subzone O in the City of Ottawa Zoning By-law 2008-250. The site is not subject to the Mature Neighbourhoods Overlay, the Floodplain Overlay, or the Heritage Overlay. The Subject Site is designated Neighbourhood within the Outer Urban Transect in the City of Ottawa Official Plan. The Subject Site is part of the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan.

The Subject Site is currently developed with a one-storey detached dwelling. A single driveway provides access to a carport from Botsford Street. The abutting properties to the north and to the

south are developed with one-storey detached dwellings. The neighbouring lots along Botsford Street are similar in size to the Subject Site and are developed with detached dwellings.

Figure 3: Existing Building on the Subject Site. (Source: Google Maps).



Surrounding Context

The Subject Site is surrounded by other low-rise residential uses. The neighbouring residential uses are primarily detached dwellings with building heights ranging from one to two storeys. The dwellings along Botsford Street are generally constructed from a mix of brick masonry and vinyl siding with hipped, box gable, and gambrel roofs. The Subject Site is located close to the intersection of Botsford Street and Browning Avenue. Botsford Street runs in a north-south direction from Coronation Avenue to a dead-end point just south of Browning Avenue.

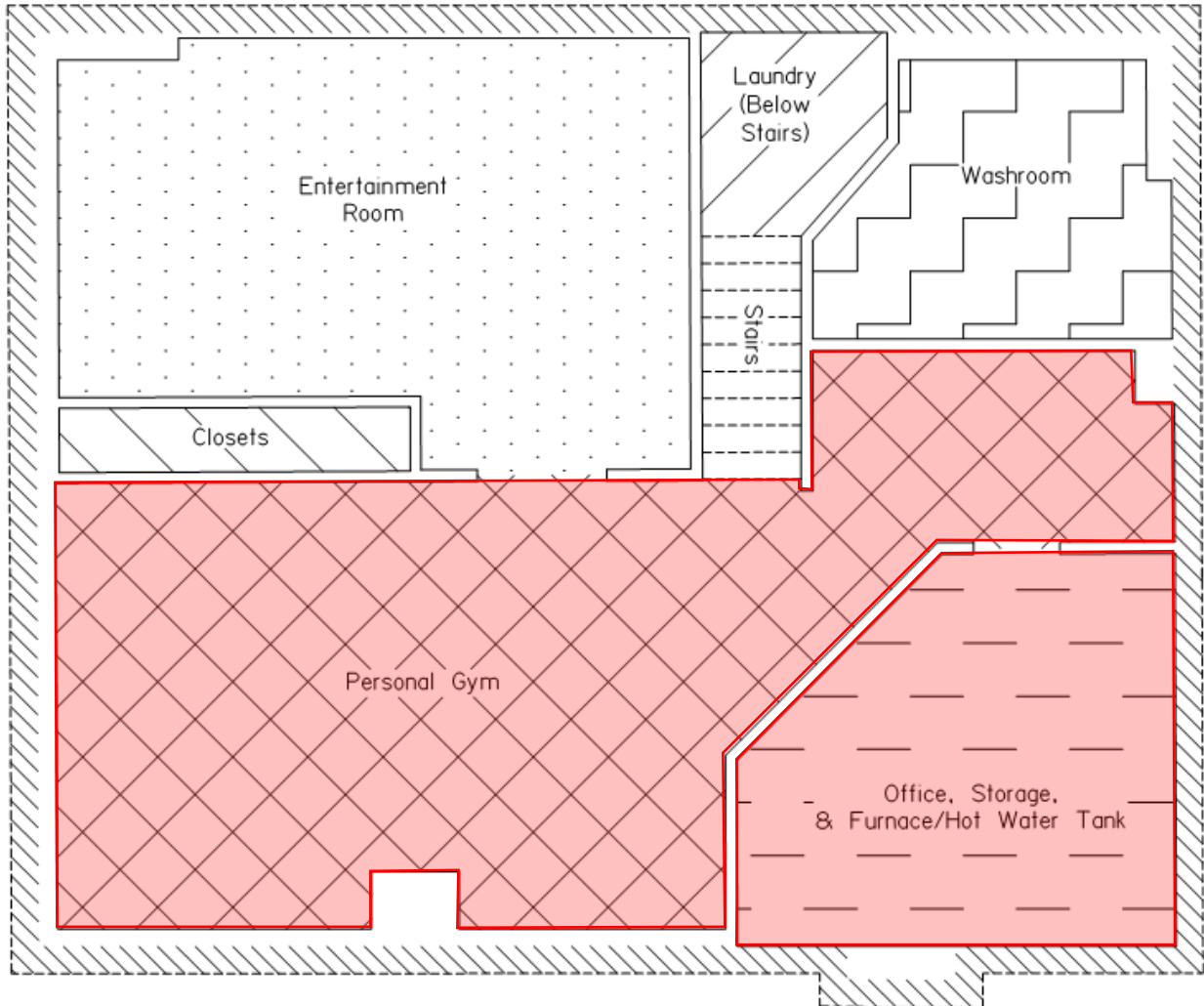
Proposed Development

The proposed Minor Variance application will regularize the home-based business operating in the basement of the existing home which occupies 29% of the principal dwelling's gross floor area. The home-based business in the basement is a personal training business operated by the homeowner.

On May 20, 2023, the property owner received a court summons which charged them with using land zoned as R10 for the principal use of operating an "instructional fitness facility" in contravention of Section 155(1) and Section 2 of the City of Ottawa Zoning By-law 2008-250. The personal training business operated by the homeowner is a home-based business, which is a permitted use in Section 155 of the Zoning By-law. The requested variance will regularize the existing gross floor area of the

home-based business and support the continued operation of the business in a manner that is consistent with the intent of Section 127 of the Zoning By-law.

Figure 4: Basement Plan showing home-based business. (Source: Annis, O'Sullivan, Vollebek Ltd.)

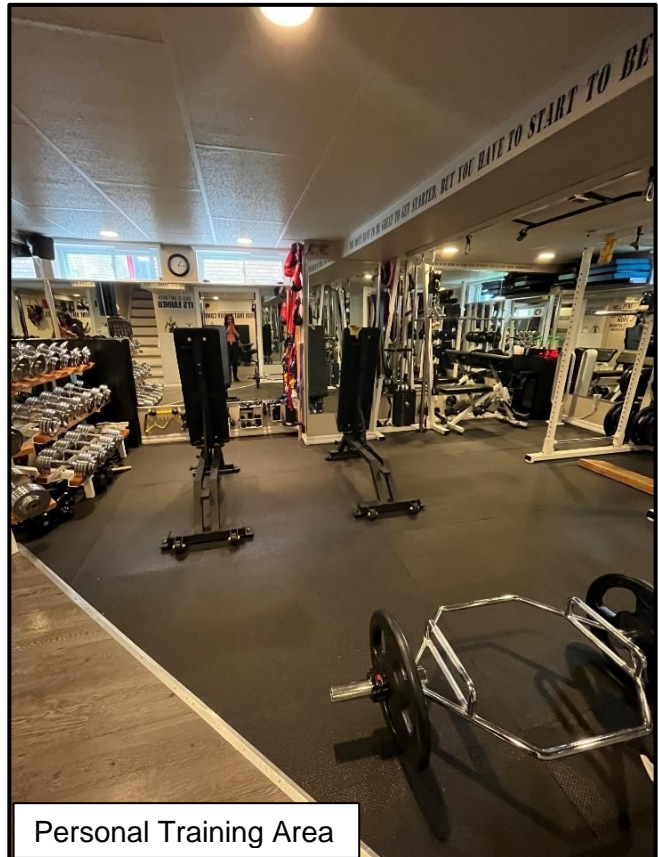


	Basement Floor Space	
	Square Metres	% of Total
Entertainment Room	22.1	26.1%
Closets (Entertainment Room)	2.4	2.8%
Personal Gym	35.4	41.8%
Washroom	7.9	9.3%
Office, Storage, & Furnace/Hot Water Tank	13.7	16.2%
Laundry Room (Below Stairs)	3.2	3.8%
Total Area	84.7	100%

Figure 5: Personal training area and office, storage, and furnace room.



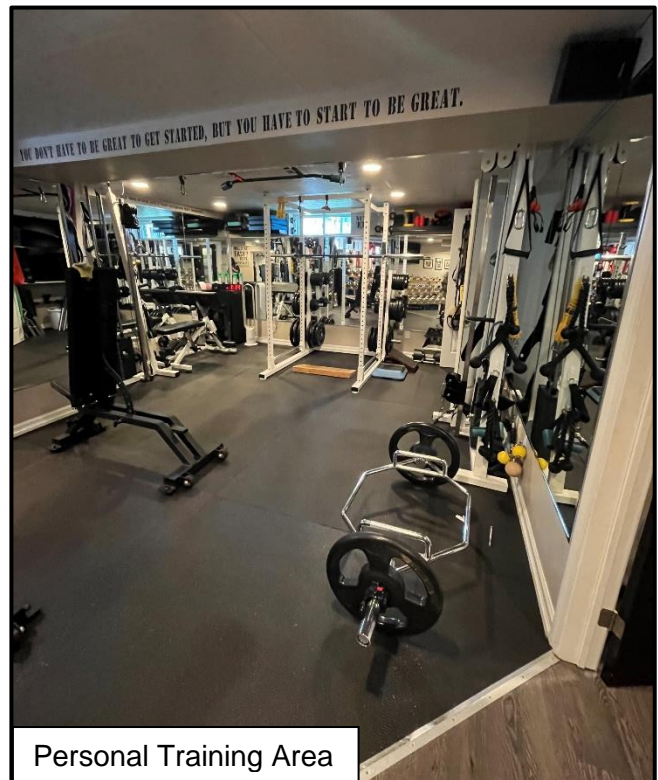
Office/Storage/Furnace Room



Personal Training Area



Office/Storage/Furnace Room



Personal Training Area

Minor Variance Application

The proposed minor variance is listed below:

- a) To permit a home-based business within the existing dwelling occupying 29% (49.1 square metres) of the gross floor area of the principal dwelling unit whereas the Zoning By-law requires that the cumulative size of home-based businesses in a dwelling unit not exceed 25% (42.35 square metres) of the unit's gross floor area. (Section 127(9)(a)).

Note: All requested minor variances have been rounded to the nearest tenths decimal place, as instructed by the Committee of Adjustment.

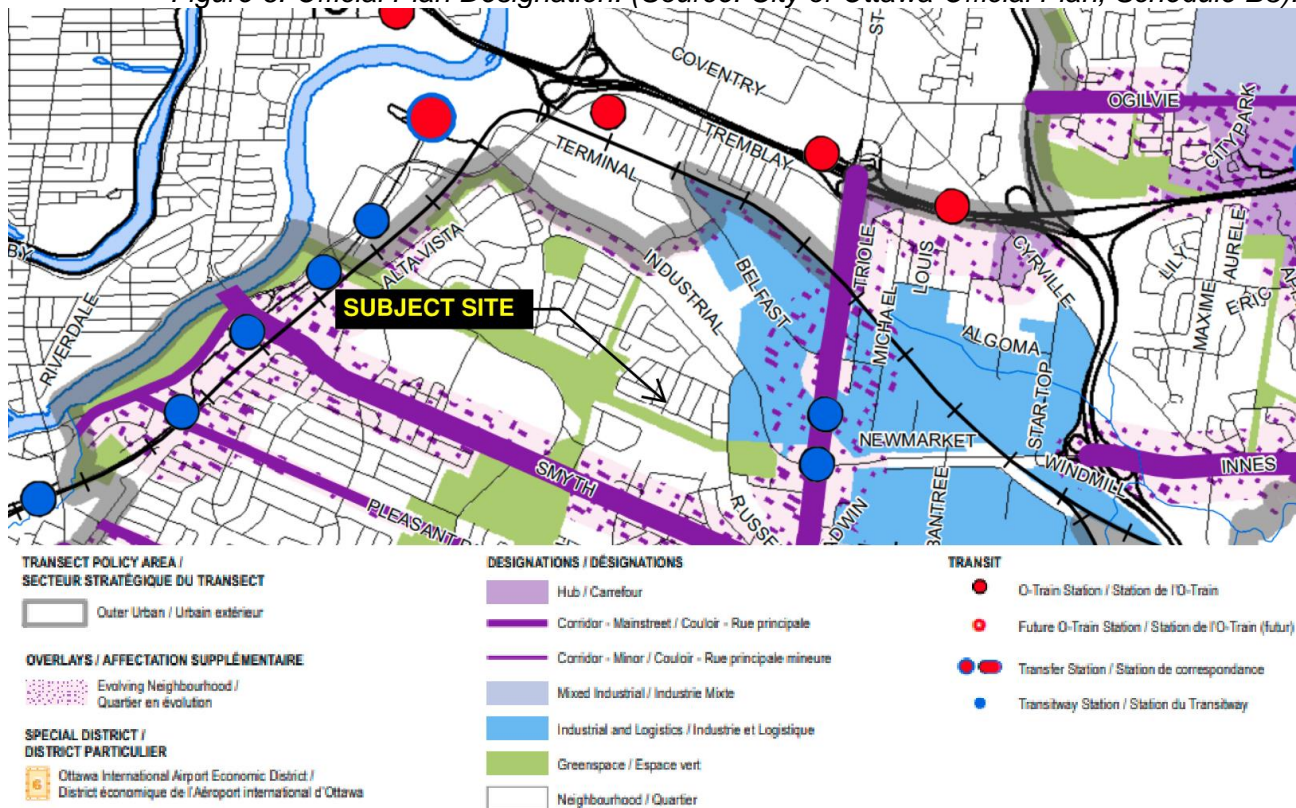
Minor Variance Rationale

Section 45(1) of the Planning Act sets the four tests that a minor variance is required to meet in order to be permitted.

The first test for a minor variance is that the general intent and purpose of the Official Plan is maintained.

The Subject Site is designated Neighbourhood within the Outer Urban Transect in the City of Ottawa Official Plan.

Figure 6: Official Plan Designation. (Source: City of Ottawa Official Plan, Schedule B3).



Outer Urban Transect:

The Outer Urban Transect is comprised of neighbourhoods inside the Greenbelt built in the last third of the 20th century. The intent of the Outer Urban Transect is to recognize a suburban pattern of built form and site design while introducing more viable public transit and encouraging more diverse housing forms.

The existing home-based business is a personal training business. The home-based business does not impact the built form and site design of the Subject Site.

Housing:

Section 4.2 of the Official Plan provides direction on housing that meets needs across ages, incomes, and backgrounds to establish healthy communities.

Policy 5 of Section 4.2.1 states:

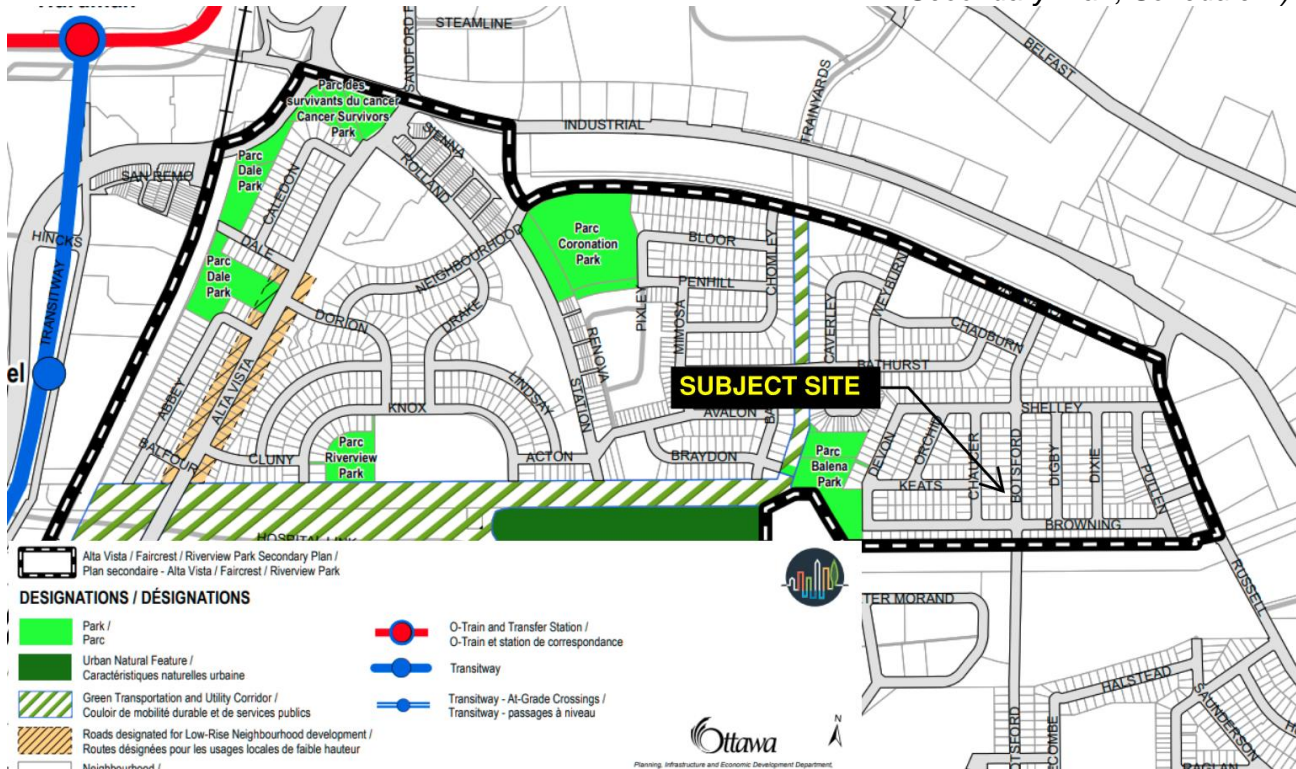
“Where the Zoning By-law permits a dwelling, a home-based business shall also be permitted. The provisions of the Zoning By-law shall contain regulations to ensure appropriate integration so that home-based businesses do not adversely impact neighbouring properties by virtue of their appearance or function or by attracting large volumes of automobile traffic.”

This Official Plan policy directs that a home-based business will be permitted where the Zoning By-law permits a dwelling. The home-based business on the Subject Site is integrated well into the existing dwelling. The home-based business occupies part of the basement of the existing dwelling, where the personal training area and the office/storage area are located. There are no adverse impacts on neighbouring properties. The home-based business offers personal training services to only a few clients at one time and does not attract large volumes of automobile traffic. Adequate space for parking is provided on the existing property, which has a single parking space in a carport and a driveway where two additional vehicles can be parked.

Alta Vista / Faircrest Heights / Riverview Park Secondary Plan:

The Subject Site is subject to the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan. The Subject Site is designated Neighbourhood within the Secondary Plan. The Secondary Plan area is comprised of Ottawa’s first post-World War II suburb. The intent of the Secondary Plan is to ensure that development gently accommodates additional density in appropriate building types that contemplate the character of the neighbourhood and to support the emergence of a 15-minute neighbourhood. The intent of the Secondary Plan is to ensure that development is compliant with the policies of the Official Plan and compatible with low-rise neighbourhood areas.

Figure 7: Secondary Plan Designation. (Source: Alta Vista / Faircrest Heights / Riverview Park Secondary Plan, Schedule A).



The Alta Vista / Faircrest Heights / Riverview Park Secondary Plan does not speak to home-based businesses. The criteria for whether the home-based business meets the intent and purpose of the Official Plan is based on Policy 5 of Section 4.2.1 of the Official Plan.

The minor variance maintains the intent and purpose of the City of Ottawa Official Plan.

The second test for a minor variance is that the general intent and purpose of the Zoning By-law is maintained.

The Subject Site is zoned R10 – Residential First Density, Subzone O in the City of Ottawa Zoning By-law 2008-250. The Subject Site is not part of the Mature Neighbourhoods Overlay, the Floodplain Overlay, or the Heritage Overlay.

The intent of the R1 Zone is to:

- (1) restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan;
- (2) allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;
- (3) permit ancillary uses to the principal residential use to allow residents to work at home;
- (4) regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced; and
- (5) permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches.

The following uses are permitted in the R1 zone, as per Section 155 of the Zoning By-law:

detached **dwelling**

bed and breakfast, see Part 5, Section 121

diplomatic mission, see Part 3, Section 88

group home, see Part 5, Section 125

home-based business, see Part 5, Section 127

home-based daycare, see Part 5, Section 129

park

retirement home, converted see Part 5, Section 122

secondary dwelling unit, see Part 5, Section 133

urban agriculture, see Part 3, Section 82 (By-law 2017-148)

A detached dwelling is a permitted use in the R1 Zone. Home-based businesses are permitted in the R1 Zone, as per Section 127 and Section 155 of the Zoning By-law.

Section 127(1) of the Zoning By-law states:

“Home-based businesses are permitted in any dwelling unit, oversize dwelling unit, secondary dwelling unit or rooming unit, in any zone that permits residential uses provided:

- a) they must not become a nuisance because of noise, odour, dust, fumes, vibration, radiation, glare, traffic, or parking generated;*
- b) they must not become a fire or building hazard or health risk;*
- c) they must not interfere with radio, television or other telecommunications transmissions;*
- d) one or more residents may operate a business; and*
- e) the operators of the home-based businesses must reside in the dwelling, oversize dwelling unit, secondary dwelling unit or rooming unit from which the home-based business is conducted, including when the business is in operation.”*

The home-based business on the Subject Site is a personal training business, which typically involves a few clients coming to the dwelling at any given time for personal training sessions with the property owner. The business does not exceed typical noise levels that would be generated from the reasonable enjoyment of one’s property. No odour, dust, fumes, vibrations, or glare is generated from the home-based personal training business. There is no interference with telecommunications infrastructure. Parking for up to three vehicles is available on the property, with the existing carport being used by the owner, which leaves space for two vehicles to park on the driveway. The nature of the home-based business, which has a limited number of clients on the property at any given time, does not generate significant levels of traffic. The home-based business does not create a fire hazard or health risk. The home-based personal training business is operated by the property owner, who lives in the home with his family.

Section 127(2) of the Zoning By-law states:

“Any number of businesses may exist provided the cumulative maximum total gross floor area outlined in either subsection (9) or Section 128(3), as the case may be, is not exceeded.”

Section 127(9) of the Zoning By-law states:

“Any number of home-based businesses is permitted on a lot which permits a residential use, either within the dwelling unit, or oversize dwelling unit, rooming unit or secondary dwelling unit, or within an attached garage on the lot, provided that:

- a) if within a dwelling unit, oversize dwelling unit or secondary dwelling unit, the cumulative size of all home-based businesses per dwelling unit or oversize dwelling unit or secondary dwelling unit must not exceed 25% of the unit’s gross floor area or 28 m² whichever is the greater;*
- b) if within an attached garage, the cumulative size of all home-based businesses must not exceed a maximum of 54m², and the required parking for the dwelling unit or oversize dwelling unit must continue to be legally provided on the lot;*
- c) if within a rooming unit, no maximum size limit applies, but the home-based business must take place solely within the rooming unit and not within any communal area within the building; and*
- d) In the case of subsections (a) and (b), the cumulative total is for all home-based businesses within the principal dwelling unit and attached garage combined, with a separate cumulative total applicable to the secondary dwelling unit, and not for the principal dwelling unit, attached garage and secondary dwelling unit combined.”*

The home-based personal training business occupies a portion of the basement within the existing detached dwelling. The business constitutes an area of approximately 49.1 square metres including area for storage, the furnace, and the hot water tank. A conservative calculation of the area associated with the home-based business amounts to 29% of the gross floor area of the dwelling unit.

Section 127(3) of the Zoning By-law states:

“Despite the unlimited number of businesses permitted, a maximum of only one, on-site, non-resident employee is permitted per principal dwelling unit or oversize dwelling unit.”

The home-based business is run entirely by the property owner and there are no employees of the home-based business.

Section 127(6) of the Zoning By-law states:

“Where any parking is required for the home-based business, such space may be located in the driveway.”

The driveway on the Subject Site has sufficient space to accommodate two vehicles, in addition to the parking space provided in the carport. Only a few clients are typically receiving personal training services at one time. There is enough space to accommodate parking on the driveway.

Section 127(7) of the Zoning By-law states:

“There is no visible display or indication of any home-based business from the street, other than the maximum of one sign for all home-based businesses on the lot, as provided for in an applicable Signs By-law.”

Based on a site visit conducted on August 3, 2023, there are no displays or signs visible from the street which indicate the presence of the home-based business.

Section 127(8) of the Zoning By-law states:

“Home-based businesses must not involve the use of the premises as a dispatching office or supply depot.”

The home-based business operating on the Subject Site is a personal training business and does not involve the use of the premises as a dispatching office or supply depot.

Section 127(10) of the Zoning By-law states:

“The business of storing automobiles, buses, boats, recreation and any other types of vehicles is specifically prohibited.”

The home-based business operating on the Subject Site is a personal training business and does not involve the storing of vehicles.

Section 127(11) of the Zoning By-law states:

“Outdoor storage is prohibited.”

The home-based business operating on the Subject Site is a personal training business and is not used for outdoor storage.

Section 127(12) of the Zoning By-law states:

“Where a home-based business sells on the premises, it sells only those items that are made on the premises. Despite the foregoing, telemarketing and mail order sales are permitted provided that any merchandise purchased is delivered or mailed directly to the customer.”

The home-based business operating on the Subject Site is a personal training business which provides exercise training services to clients and does not sell goods on the premises.

Sections 127(13) and 127(14) of the Zoning By-law state:

“Businesses that require a business, not professional, license under the City of Ottawa’s Licensing By-laws are not permitted, except that the following businesses requiring license are permitted:

- a) plumbing contractors;*
- b) taxi cab and limousine drivers, but not brokers, to a maximum of two taxis or limousines”*

“Nothing in subsection (13) prevents the administrative and indoor storage functions of such licensed businesses from being operated as a home-based business provided such functions comply with the provisions of subsections (1) through (12) inclusive.”

The home-based personal training business operating on the Subject Site does not require a business license under the City of Ottawa's Licensing By-laws.

Section 127(15) of the Zoning By-law states:

"Section 126 sets out the regulations applicable to the parking of heavy vehicles."

The home-based personal training business operating on the Subject Site does not require parking for heavy vehicles.

A minor variance is required to permit the home-based business on the Subject Site to have a cumulative area of 29% (49.1 square metres) of the gross floor area of the dwelling including area for storage, furnace, and hot water tank. The Zoning By-law permits a home-based business to be a maximum of 25% of the gross floor area of the dwelling.

The intent of the maximum cumulative area of home-based businesses is to control the size of businesses within residential dwellings and to ensure that the principal use of the dwelling remains residential. The owner of the Subject Site uses the dwelling principally as a home for him and his family. The home-based personal training business occupies 58% of the basement in the existing dwelling and is 29% of the total gross floor area of the dwelling. Correspondingly, 42% of the basement and 71% of the entire dwelling is used solely for residential purposes at all times. When not training clients, the owner uses the training area as a personal gym, ensuring that the primary use of the space is for residential purposes. Furthermore, part of the office area of the home-based business is occupied by storage, the furnace, and the hot-water tank. The whole of the office area has been included in the calculation of area occupied by the home-based business.

The increased cumulative area of the home-based business is only 6.75 square metres larger than the maximum permitted by the Zoning By-law. The increased size of the existing home-based business can be attributed to the space requirements associated with exercise equipment. The intent of limiting the size of businesses within residential dwellings is maintained, as the increase does not appreciably impact the amount of residential space remaining in the house and does not significantly alter the scale of the home-based business.

The minor variance maintains the general intent and purpose of the Zoning By-law 2008-250.

The third test for a minor variance is that the minor variance is considered desirable for the use of land.

A home-based business within any existing detached dwelling is suitable and desirable for the use of land. A home-based business is regulated by Section 127 of the Zoning By-law.

By its nature, personal training involves a small number of clients at any one time, ensuring that traffic impacts are limited as a result of the business operation. The home-based business allows the owner to train a small number of clients, encouraging a small business enterprise while maintaining the principal use of the property for residential purposes.

The minor variance is considered desirable for the use of land.

The fourth test for a minor variance is that the variance is considered minor in nature.

The home-based business within the existing detached dwelling on the Subject Site is 49.1 square metres in size including an area for storage, the furnace, and the hot water tank. The requested variance is to permit the cumulative area of the home-based business to be 29% of the total gross floor area of the dwelling unit. The Zoning By-law permits the cumulative area of home-based businesses within a principal dwelling unit to be up to 25% of the total gross floor area of the dwelling unit. The requested variance constitutes a slight difference of only 6.75 square metres (4%), which will not appreciably impact the scale of the business and still provides sufficient space to ensure that the principal use of the dwelling is for residential purposes. The size of the home-based business is not visible from the street and does not alter the exterior of the home, ensuring that there is minimal impact on the neighbourhood. The impact of the increased floor area of the home-based personal training business is minor.

The variances are considered minor in nature.

Conclusion

The home-based business at 1618 Botsford Street is a personal training business which allows the owner to train a few clients at any given time. The home-based business allows for the owner to train a limited number of clients within the home while continuing to use the home principally for residential purposes. The home-based personal training business occupies 49.1 square metres in the home. The home-based business constitutes 29% of the total gross floor area of the dwelling. A minor variance application is required to permit the home-based business to occupy 29% of the gross floor area of the dwelling unit. The Zoning By-law permits up to 25% of the total gross floor area of the dwelling unit to be used for a home-based business.

The home-based business with the requested variance maintains the general intent and purpose of the City of Ottawa Official Plan by retaining the residential use of the property while facilitating the use of available space in the home for a small business. The home-based business with the requested variance maintains the intent and purpose of the City of Ottawa Zoning By-law 2008-250 by limiting the size of the home-based business and ensuring that the principal use of the dwelling is for residential purposes. Despite the increased area of the home-based personal training business, the business meets all other zoning requirements for a home-based business, including providing appropriate vehicular parking and not creating any nuisance from noise, odour, dust, and vibration.

The home-based personal training business is a suitable and desirable use of the Subject Site. It allows the homeowner to operate a small business that only deals with individual or small groups of clients at any one time while maintaining the home as primarily a residential use. The requested variance for an increased maximum area of the home-based business is minor. The size of the home-based business is only 6.75 square metres larger than permitted and does not result in any appreciable increase in the scale of the business, ensuring that the principal residential use is still maintained. The increased area is not perceptible from the outside of the home and will not result in adverse impacts such as increased vehicular traffic or noise as the result of a larger business. When the space is not being used to train clients, the exercise room and the office, storage, and furnace area are used by the owner and their family, which is in line with the primarily residential use of the dwelling.

The proposed variance meets all four tests under Section 45(1) of the Planning Act. The home-based personal training business with the requested variance represents good land use planning.

In support of the application for minor variance, please find enclosed:

- Cover Letter (one copy)
- Complete Minor Variance Application Form (one original copy)
- Complete Minor Variance Authorization Form (one original copy)
- Survey Plan (one 8.5x11 copy and one 11x17 copy)
- Basement Sketch (one 8.5x11 copy and one 11x17 copy)

Should you have any questions regarding this application, please do not hesitate to contact the undersigned.

Yours truly,

NOVATECH



Arjan Soor, M.PL
Planner