

2024-02-02



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 1618 Botsford Street
Legal Description: Lot 953, Registered Plan 665; City of Ottawa
File No.: D08-02-23/A-00307
Report Date: February 2, 2024
Hearing Date: February 6, 2024
Planner: Siobhan Kelly
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R10

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application; however, note that additional relief is required. It is staff's opinion that the washroom should be included in the floor area of the home-based business thus increasing the relief sought to 33% of the unit's gross floor area.

DISCUSSION AND RATIONALE

The Official Plan designates the property Neighbourhood in the Outer Urban Transect and the property is also subject to the Alta Vista / Faircrest Heights / Riverview Park Secondary Plan. While the Secondary Plan does not speak to home-based businesses, the Official Plan outlines that a home-based business shall be permitted where the Zoning By-law permits a dwelling. Section 4.2.1 Policy 4 further details that the by-law shall contain regulations to:

“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.”

Based on the information submitted with the application, the increased floor area for the home-based business does not alter the external appearance or residential character of the dwelling. The applicant's consultant confirmed that the accessory structures in the rear yard are not associated with the home-based business. It is staff's understanding

that the business operates solely in the dwelling's basement, which would not impact neighbouring properties. The applicant's consultant also confirmed that the business provides personal training sessions to one client at a time. On occasion, there are 2 to 4 clients on site at the same time. While the Zoning By-law does not require a dedicated parking space for a home-based business, the driveway accommodates 2 tandem parking spaces. Staff has no evidence that suggests the home-based business generates significant volumes of traffic.

The property is zoned Residential First Density Subzone O (R1O). One of the purposes of this zone is to permit ancillary uses to the principal residential use to allow residents to work at home. The Zoning By-law permits a home-based business in any dwelling unit provided that:

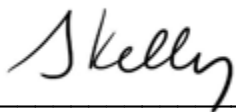
- a) They must not become a nuisance because of noise, odour, fumes, dust, vibration, radiation, glare, traffic, or parking;
- b) they must not become a fire or building hazard or health risk;
- c) they must not interfere with radio, television, or other telecommunications transmissions;
- d) one or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

To minimize adverse and/or undesirable impacts associated with home-based businesses, Section 127 of the Zoning By-law includes specific provisions regulating the size, number of employees, outdoor storage, signage and sale of goods of home-based businesses. As proposed, the applicant is seeking relief to allow the existing home-based business to occupy 33% of the unit's gross floor area, whereas the by-law outlines that a home-based business must not exceed 25% of the unit's gross floor area. The intent of the size restriction, which is a percentage of the dwelling's floor area, is to ensure that the business remains secondary and subordinate to residential use. The home-based business remains secondary to the principal residential use, which occupies the entire main floor and a portion of the basement (i.e., 67% of the gross floor area).

Staff is satisfied that the increased size is minor as it is largely associated with the space requirements needed to operate a personal training business (e.g., gym equipment, storage, workout space etc.). If approved, the minor variance will legalize a home-based business, which the Official Plan and Zoning By-law recognize as a permitted ancillary use provided the business does not become a nuisance.

Based on the materials circulated, staff is satisfied that the minor variance application meets the criteria outlined in Section 45(1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

Notwithstanding the above comments, staff note that the business should be conducted solely in the basement of the dwelling. Further, no outdoor storage associated with the business is permitted as per Section 127 of the by-law. Staff also note that there are zoning deficiencies with the existing accessory structures in the rear yard. The applicant can address the deficiencies by removing and/or relocating some of the structures or applying for additional relief.



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