



Report Committee of Adjustment

Filing Date: November 16, 2023
Hearing Date: December 19, 2023

File: A-2023-0339

**Owner/
Applicant:** PAWAN BERRY & UMA BERRY

Address: 16 MONKTON CIRCLE

Ward: WARD 4

Contact: Satwant Hothi, Planner I, Development

Recommendations:

That application A-2023-0339 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision; and
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

Homeowner is requesting a variance to continue operating their existing home occupation (hair salon) for which they had already obtained a building permit (basement finish). In speaking with home owner during site visit, they were unaware of the by-law limiting home occupations to single detached dwellings and since have applied for two-unit dwelling. The homeowner expressed the home occupation is limited to appointment only and have an existing side door which will be utilized for clients which is located on the opposite side of the required path of travel for second unit.

Existing Zoning:

The property is zoned 'Residential Single Detached - Special Section 2402 (R1E-2402), according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a home occupation (hair saloon) with building containing two-dwelling units, whereas the by-law permits a home occupation within a single detached dwelling.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan and 'Low Density 2' in the Credit Valley Secondary Plan (Area 45). The requested variance is related to an existing home occupation (hair saloon) to continue operations within a proposed two-unit dwelling. The requested variance is not considered to have a significant impact within the context of the policies of the Official Plan. Subject to the recommended conditions of approvals, the requested variance is considered to maintain the general intent of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Residential Single Detached - Special Section 2402 (R1E-2402), according to By-law 270-2004, as amended.

Variance 1 is requested to permit a home occupation to continue operations within a proposed two-unit dwelling. The intent of the by-law in regulating home occupations being limited to single detached dwellings is to ensure adequate parking can be provided for the principal use (single detached dwelling) and home occupation entirely on the subject property. A site visit of the subject property reveals adequate parking can be provided for the principal dwelling, proposed second unit and existing home occupation. Furthermore, homeowner has indicated the home occupation is appointment only and thus no significant impact on parking is anticipated. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is intended to facilitate the continued operations of a home occupation being located within a proposed two-unit dwelling. The continued operation of the home occupation in conjunction with the two proposed uses (primary dwelling and secondary dwelling) is not anticipated to negatively impact the overall residential function of the two-unit dwelling. It is staff's position, in speaking with the homeowner, that the nature of the home occupation (hair saloon) in being limited to appointment only further mitigates any negative impacts on the continued residential function of the dwelling. Subject to the recommended conditions of approval, Variance 1 is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance represents a modest relief from the Zoning By-law requirement. The nominal relief is not considered to contribute to an overdevelopment of the property and thus the requested variance, subject to the recommended conditions of approval, the required variance is considered minor in nature.

Respectfully Submitted,

S. Hothi

Satwant Hothi
Planner I, Development