



## Report Committee of Adjustment

**Filing Date:** May 13<sup>th</sup>, 2024  
**Hearing Date:** June 18<sup>th</sup>, 2024

**File:** A-2024-0174

**Owner/  
Applicant:** GHULAM JOWIA

**Address:** 2611 Embleton Road

**Ward:** WARD 6

**Contact:** Paul Brioux, Assistant Development Planner

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### **Recommendations:**

That application A-2024-0174 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
  2. That the outside storage shall be limited to those related to the landscape business and must be confined to the area depicted on the sketch attached to the Notice of Decision.
  3. That drainage on adjacent properties should not be adversely affected;
  4. That the applicant obtain a building permit for the existing equipment storage shed within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official;
  5. That the temporary use be limited to 3 years; and
  6. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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### **Background:**

#### Existing Zoning:

The property is zoned 'Agricultural', according to By-law 270-2004, as amended.

### Requested Variances:

The applicant is requesting the following variances:

1. To permit a temporary use home occupation to include a landscape business with outdoor storage, whereas the by-law does not permit the use;
2. To permit a combined gross floor area of 121 square metres for two accessory structures, whereas the by-law permits a maximum combined gross floor area of 40 square metres; and
3. To permit two accessory structures having a gross floor area of 60 square metres and 61 square metres in size, whereas the by-law permits a maximum gross floor area of 23 square metres for an individual accessory structure.

### **Current Situation:**

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

The property is designated 'Residential' in the Official Plan and 'Employment Estates' in the Bram West Secondary Plan (Area 40a).

In relation to the 'Residential' designation, section 4.2.1.1 of the Official Plan states Complementary uses, other than Places of Worship, shall be permitted subject to specific Secondary Plan policies or designations, and may include uses permitted in the Commercial and Institutional and Public Uses designations of this plan, such as schools, libraries, parks, community and recreation centres, health centres, day care centres, local retail centre, neighbourhood retail, convenience retail, or highway and service commercial uses. Furthermore section 4.2.1.13 of the Official Plan states the City may permit varying forms of home occupations in single detached dwellings or accessory buildings in appropriate residential or agricultural areas.

The Employment Estates designation permits small scale, "home based" and free standing employment uses, including but not limited to greenhouses, nurseries, garden centres, and specialty agricultural uses. The proposed landscaping business as a home occupation is consistent with the types of free standing, "home based" employment uses permitted by this designation.

The requested variances are not considered to have significant impacts within the context of the Official Plan given the limited scale and temporary nature of the development. The nature and extent of the proposed variances are considered to maintain the general intent and purpose of the Official Plan.

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

Variance 1 is requested to permit a temporary use home occupation to include a landscape business with outdoor storage, whereas the by-law does not permit the use. The intent of the by-law in regulating permitted uses on a property is to ensure that uses in the location and building are complementary and appropriate for the proposed use. Staff have no concerns with the compatibility of the proposed establishment on the property given its temporary nature and similar uses exist neighbouring the property. The 'Agricultural' zoning designation permits various uses and does not specifically prohibit

businesses with associated outside storage. In order to limit the scale and impact of the use, a further condition of approval is recommended that the outside storage shall be limited to those related to the landscape business and must be confined to the area depicted on the sketch attached to the Notice of Decision. Subject to the conditions of approval, Variance 1 is considered to maintain the general intent and purpose of the Zoning By-law.

Variance 2 is requested to permit a combined gross floor area of 121 square metres for two accessory structures, whereas the by-law permits a maximum combined gross floor area of 40 square metres. Variance 3 is requested to permit two accessory structures having a gross floor area of 60 square metres and 61 square metres in size, whereas the by-law permits a maximum gross floor area of 23 square metres for an individual accessory structure. The intent of the by-law in regulating the maximum permitted gross floor areas of accessory structures is to ensure that the property is not dominated by additional structures that would limit the provision of outdoor recreational space or lead to overdevelopment. Staff are of the opinion that this relief does not generate a sense of the property being dominated by accessory structures nor does it negatively impact neighbouring properties. Subject to the conditions of approval, Variance 2 and 3 are considered to maintain the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development of the Land

Variance 1 is requests to permit a temporary use home occupation to include a landscape business with outdoor storage. A condition of approval is recommended that the temporary use be limited to 3 years. Staff have no concerns for this temporary use variance as it allows the space to continue to meet the needs of the user. Similarly there are no concerns with compatibility of the use within the context of the area.

Variance 2 is requests to permit a combined gross floor area of 121 square metres for two accessory structures, and variance 3 is requests to permit two accessory structures having a gross floor area of 60 square metres and 61 square metres in size. As the height of the structures are within the limit set out in the Zoning By-law, Staff do not have concerns in regard to massing or the impact to sightlines. Due to the large size of the backyard, the size of the two accessory structures rear yard do not create negative visual massing impacts and a sufficient amount of space is still provided for recreational activity in the rear yard. The accessory structure is seen as a feature that can enhance the usability on the property and provide storage for the owners. A condition of approval is recommended that the applicant obtain a building permit for the existing equipment storage shed within 60 days of the final date of the Committee's decision, or within an extended period of time at the discretion of the Chief Building Official.

Subject to the recommended condition of approval, the variances are considered desirable for the appropriate development of the land.

### 4. Minor in Nature

The proposed variances seek to permit the use of a temporary use for a home occupation to include a landscape business with outdoor storage, to permit a combined gross floor area of 121 square metres for two accessory structures, and to permit two accessory structures having a gross floor area of 60

square metres and 61 square metres in size. Given the temporary nature of variance 1, and the opinion that no negative impacts will be created as result of the additional variances, the requested variances are considered minor in nature.

Respectfully Submitted,

*Paul Brioux*

Paul Brioux, Assistant Development Planner

## Appendix 1

