



Report Committee of Adjustment

Filing Date: November 7th, 2024
Hearing Date: December 10th, 2024

File: A-2024-0411

**Owner/
Applicant:** Shilpa Shilpa & Nitin Khanna

Address: 34 Hollowgrove Blvd

Ward: WARD 10

Contact: Marcia Razao, Planning Technician

Recommendations:

That application A-2024-0411 be refused.

Background:

Existing Zoning:

The property is zoned 'Residential Single Detached A Special Section 1612 (R1A-1612)' according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a personal service shop (salon) as a home occupation in a semi-detached dwelling, whereas the by-law only permits an office as a home occupation in semi-detached dwelling.
2. To permit 0 parking spaces for 18.59 sq m. home occupation, whereas the by-law requires a minimum of one parking space for every 20.0 sq m of floor area occupied by the home occupation.

Current Situation:

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

The property is designated 'Residential' in the 2006 Official Plan and 'Low/Medium Density' in the Vales of Castlemore Secondary Plan (Area 42). The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

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.

Section 4.2.1.13 of the Official Plan (2006) permits varying forms of home occupations in single detached dwellings or accessory buildings in appropriate residential or agricultural areas. The Brampton Plan defines a Home Occupation as an occupation for profit or gain conducted entirely within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the dwelling unit.

The requested variances are not considered to have significant impacts within the context of the Official Plan policies. The requested variance is 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 personal service shop (salon) as a home occupation in a semi-detached dwelling, Whereas the by-law only permits an office as a home occupation in semi-detached dwelling. Section 6.12.1 of the Zoning By-law requires that a home occupation may only be carried on within a single detached dwelling. While a personal service shop is permitted as a home occupation, the by-law does not permit any home occupation within a semi-detached dwelling such as the subject property.

Variance 2 is requested to permit 0 parking spaces for 18.59 sq m. home occupation, whereas the by-law requires a minimum of one parking space for every 20.0 sq m of floor area occupied by the home occupation. Section 10.9.1 (G) of the Zoning By-law required that for home occupation uses, a minimum of one parking space shall be provided for every 20.0 square metres of floor area occupied by the home occupation.

The by-law limits home occupations in semi-detached dwellings to ensure adequate on-site parking for both the residence and the business. It also aims to maintain the primary residential use of the property and ensure that any home occupation is secondary and compatible with the surrounding community.

The applicant is seeking variances to allow a personal service shop (hair salon) to operate within 18.59 square meters of a semi-detached dwelling without providing a dedicated on-site parking space. While staff do not object to the home occupation use itself in a semi-detached dwelling, the lack of a third legal parking space raises concerns for Traffic Services and Planning staff. The property can only accommodate two parking spaces, both allocated to the residential use, leaving no on-site parking for salon customers. This requires customers to park on the street, contrary to zoning by-law requirements, which mandate on-site parking for home occupation clients.

It may be reasonable to consider the potential merits of permitting this use in semi-detached dwellings; however, such a change should be thoroughly examined within the broader context of the ongoing Comprehensive Zoning By-law Review (CZBR). This review is currently being undertaken by City Policy staff who are considering expanding home occupation permissions to other residential typologies such as semi-detached and townhouse dwellings. Addressing this issue through a larger study ensures a more comprehensive analysis of impacts, community compatibility, and policy alignment. Approving these variances could risk setting a precedent that might undermine the general intent of the Zoning By-law, which is to regulate land uses in a manner that maintains compatibility and supports the planned function of residential areas.

Variance 1 and 2 do not meet the general intent of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

Variances are requested to permit a home occupation in a semi-detached dwelling while also allowing no dedicated parking spaces to be provided on the property. The property's size, location, and character are inherently residential. Staff believe that permitting a salon as a home occupation would not alter the neighborhood's character or negatively impact adjacent properties. However, the reduced parking poses a concern, as clients would need to rely on street parking, potentially affecting surrounding properties. Staff conclude that the lack of required on-site parking is not desirable for the appropriate development of the property or the proposed home occupation use.

4. Minor in Nature

Allowing a salon as a home occupation is not expected to significantly impact the neighborhood's residential character, as it remains secondary to the primary residential use and occupies a small portion of the dwelling. However, the variance to eliminate the requirement for dedicated on-site parking may result in increased street parking, potentially inconveniencing neighbors and shifting the burden of customer parking to public streets.

The requested variances do not represent minor relief from the Zoning By-law requirements. The potential for increased street parking is considered a significant concern, and as such, the parking variance is not deemed minor in nature.

Respectfully Submitted,

Marcia Razao

Marcia Razao, Planning Technician

Appendix A

