

Filing Date: January 25, 2021

Hearing Date: March 9, 2021

File: A-2021-0005

**Owner/
Applicant:** PAULA PIRES AND FIRMINO PIRES

Address: 267 Queen St West

Ward: 3

Contact: Shelby Swinfield, Planner I

Recommendations:

That application A-2021-0005 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 failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

Existing Zoning:

The property is zoned "Residential Single Detached B (R1B)" according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variances:

1. To permit 38.3% of the floor area of the dwelling to be used as a home occupation (spa) whereas the by-law permits a maximum of 15% of the floor area of the dwelling to be used as a home occupation.

Current Situation:

1. Conforms to the Intent of the Official Plan

The subject property is designated “Central Area” and “Central Area Mixed Use” in the Downtown Brampton Secondary Plan (Area 7). The Central Area Mixed Use designation is intended to accommodate mixed-use developments incorporating a combination of uses, including but not limited to commercial and residential uses. Subject to the recommended conditions of approval, Variance 1 is considered to maintain the general intent of the Official Plan.

2. Conforms to the Intent of the Zoning By-law

The property is zoned “Residential Single Detached B (R1B)” according to By-law 270-2004, as amended. The requested variance is intended to facilitate the establishment of a spa home occupation within the existing dwelling.

Variance 1 is to permit 38.3% of the floor area of the dwelling to be used as a home occupation (spa) whereas the by-law permits a maximum of 15% of the floor area of the dwelling to be used as a home occupation. The intent of the by-law in regulating the maximum permitted floor area for home occupations within a dwelling is to ensure that the primary function of the dwelling remains residential in nature and that the home occupation is subordinate to the residential use.

In the case of the subject property, it is not anticipated that this increase in permitted floor area for the home occupation will negatively impact the ability of the dwelling to function for residential purposes. Despite the increase in floor area, the home occupation is considered to remain subordinate to the residential use. Subject to the recommended conditions of approval, the requested variance 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 establishment of a spa home occupation within the existing single detached dwelling. A new detached garage is proposed at the rear and has been approved through Site Plan Application SP19-033.000. The proposed garage in the rear yard will facilitate parking for the dwelling and the home occupation, minimizing the visual impacts of the vehicles on the streetscape. The increased floor area for the home occupation is not anticipated to negatively impact the overall residential function of the dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance, to increase the permitted floor area of the dwelling that can be used for a home occupation is not anticipated to have negative impacts on the residential function of the dwelling. Subject to the recommended conditions of approval, the requested variance is considered to be minor in nature.

Respectfully Submitted,

Shelby Swinfield

Shelby Swinfield, Planner I