



PLANNING EVALUATION REPORT

Meeting Date: June 19, 2017
 Submitted by: Christie Kent, RPP, Planner
 Subject: **Application for Minor Variance A02-2017**
Part of Lot 21, Concession 3, S.E.R; Part of Park Lot 1, Plan 295;
Part 1, RP-33R5374
(Geographic Township of Adelaide)
28273 Centre Road
Owner: Marilyn Bailey
Applicants: Robert & Mary Elizabeth Bordignon

BACKGROUND

The purpose of Application for Minor Variance A02-2017 is to provide relief from Section 5.14(a) of the Township of Adelaide Metcalfe Zoning By-law No. 34-2007 as it relates to the provisions for conducting a home business within a single-detached dwelling. The Zoning By-law directs that with the exception of one additional employee, the home business is only to be carried out by a person who resides in the dwelling.

The applicants are requesting that this provision be varied to permit the home business to be carried out by a person who resides in the dwelling, or by a registered owner of the dwelling. The applicants wish to establish a person service business (hair salon) in a portion of the dwelling unit while residing elsewhere. The applicants propose that the remaining portion of the dwelling is to be used for residential occupancy by a tenant.

The subject property is approximately 3844 m² (0.95 ac) in size and is located on the west side of Centre Road (County Road 81), lying just north of Pannell Lane within the geographic Township of Adelaide in the Township of Adelaide Metcalfe.

Surrounding land uses are prominently residential and institutional, with a commercial uses located in close proximity. The attached map illustrates the location of the subject property.

Policy and Regulatory Context

The subject lands are designated 'Residential Areas' on Schedule 'A-2' of the Township's Official Plan. Section 3.3.3.2 of the Official Plan indicates that within the Residential Areas Designation on Schedule 'A-2' Urban Land Use Plan, in addition to residential uses, the following uses are also permitted:

- a) Convenience commercial uses compatible with residential use and with frontage on an arterial or collector road;
- b) Institutional and public uses such as schools, churches, cemeteries, parks and public works; and
- c) Bed and breakfast establishments.



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The subject lands are zoned 'Urban Residential (UR) Zone' within the Township's Zoning By-law. Permitted uses within the UR zone include an accessory dwelling unit within a single detached dwelling, a bed and breakfast establishment, existing institutional uses, a group home, a home business and a single detached dwelling. Bed and breakfast establishments and home business are subject to Section 5.2 and 5.14 of the Zoning By-law respectively.

Section 5.14 of the Zoning By-law outlines provisions for a home business. Under this section, where listed as a permitted use, a home business for professional use, domestic and household arts, personal services and private home day care may be conducted within a single detached dwelling provided that:

- a) With the exception of one additional employee, the home business is carried out only by a person who resides in the dwelling unit;
- b) A maximum of 25% of the building floor area of the dwelling unit shall be devoted to the home business;
- c) No outdoor storage shall be permitted; and,
- d) All home businesses shall be located only within the dwelling unit.

ANALYSIS

Section 45 of the Planning Act allows a municipality to grant a minor variance to a zoning by-law based on four tests, as follows:

Is the variance considered minor in nature?

It is the opinion of planning staff that the requested variance to permit a registered owner of the dwelling to carry out the home business can be considered minor in nature. Planning staff is satisfied that the impact and effect of permitting a registered owner of the dwelling to conduct the home business instead of a resident of the dwelling would be negligible. Planning staff recommends that one parking space, in addition to the two required spaces for the home business employee and the dwelling unit, be provided to accommodate the registered owner.

Is the variance desirable for the appropriate use of the land?

The surrounding land uses are comprised of a mix of residential, institutional and commercial land uses located within the Township of Adelaide Metcalfe and the Municipality of Strathroy-Caradoc. It is the opinion of staff that the proposed variance would facilitate the establishment of a home business on the subject lands, as otherwise permitted within the Urban Residential zone. As such, planning staff is satisfied that proposed home business is an appropriate use of the land.

Does the variance maintain the general intent and purpose of the official plan?

The Official Plan designates the subject lands as residential areas within an urban area. The intent of the Official Plan is upheld by the use of the subject lands, as the proposed home business would not compromise the primary residential use of the lands.

Does the variance maintain the general intent and purpose of the zoning by-law?

The intent of the home business provision which limits the home business to be carried out by a resident of the dwelling is to ensure that the primary use of the lands remains residential and that commercial tenancies are not established. It is the opinion of planning staff that a home business being carried out by a registered owner of the dwelling would not constitute a commercial tenancy,



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as the scale of the personal services business is consistent with the provisions for a home business. The home business is proposed to occupy less than 70 m² (750 sq. ft) and employ only one additional person beyond a registered owner.

Planning staff contemplated the impacts of pursuing a site-specific zone change to add a personal service business as a permitted use within the Urban Residential zone or rezoning the subject lands to a site-specific Corridor Commercial (CC) zone permitting a limited range of commercial uses. It is the opinion of planning staff that a zone change to permit a personal service business as a commercial use would be less desirable and appropriate than permitting a variance to the provisions which define by whom a home business can be carried out by. The underlying 'Residential Areas' land use designation does permit convenience commercial uses compatible with residential uses on the lands, however, it is the opinion of planning staff that the current zoning is sufficient as the primary use of the lands will remain residential.

Planning staff advise that an expansion of the home business beyond the allowed 25% building floor area of the dwelling, regardless of whom the business is carried out by, would qualify the use as commercial and a zone change reflective of this change of use would be required. Planning staff note that the establishment of a commercial use could also be subject to Site Plan Control by the Township.

Consultation

The application was circulated to the prescribed agencies, as well as surrounding property owners. As of the date of this report, no comments or concerns have been received from the public regarding the proposal.

The St. Clair Region Conservation Authority, County Engineer, and the Township's Drainage Superintendent indicated no concerns with the proposed minor variance application.

The Township's Chief Building Official offered the following comments:

- The existing septic system may have to be upgraded as the performance level may be reduced by the change of occupancy or any proposed new plumbing fixtures
- The owners shall provide interconnected carbon monoxide and smoke alarms with a visual signaling component in order to alert all occupants.

RECOMMENDATION

It is recommended that Application for Minor Variance A02-2017 filed by Robert and Mary Elizabeth Bordignon, to permit a home business to be carried out by a person who resides in the dwelling, or by a registered owner of the dwelling be **GRANTED**, subject to the following conditions:

1. That the existing septic tank and weeping bed system is to be inspected by a licensed septage hauler and the inspection report be provided to the Township's Chief Building Official for determination as to any replacement or remedial works that may be required to be completed, to the satisfaction of the Township's Chief Building Official.



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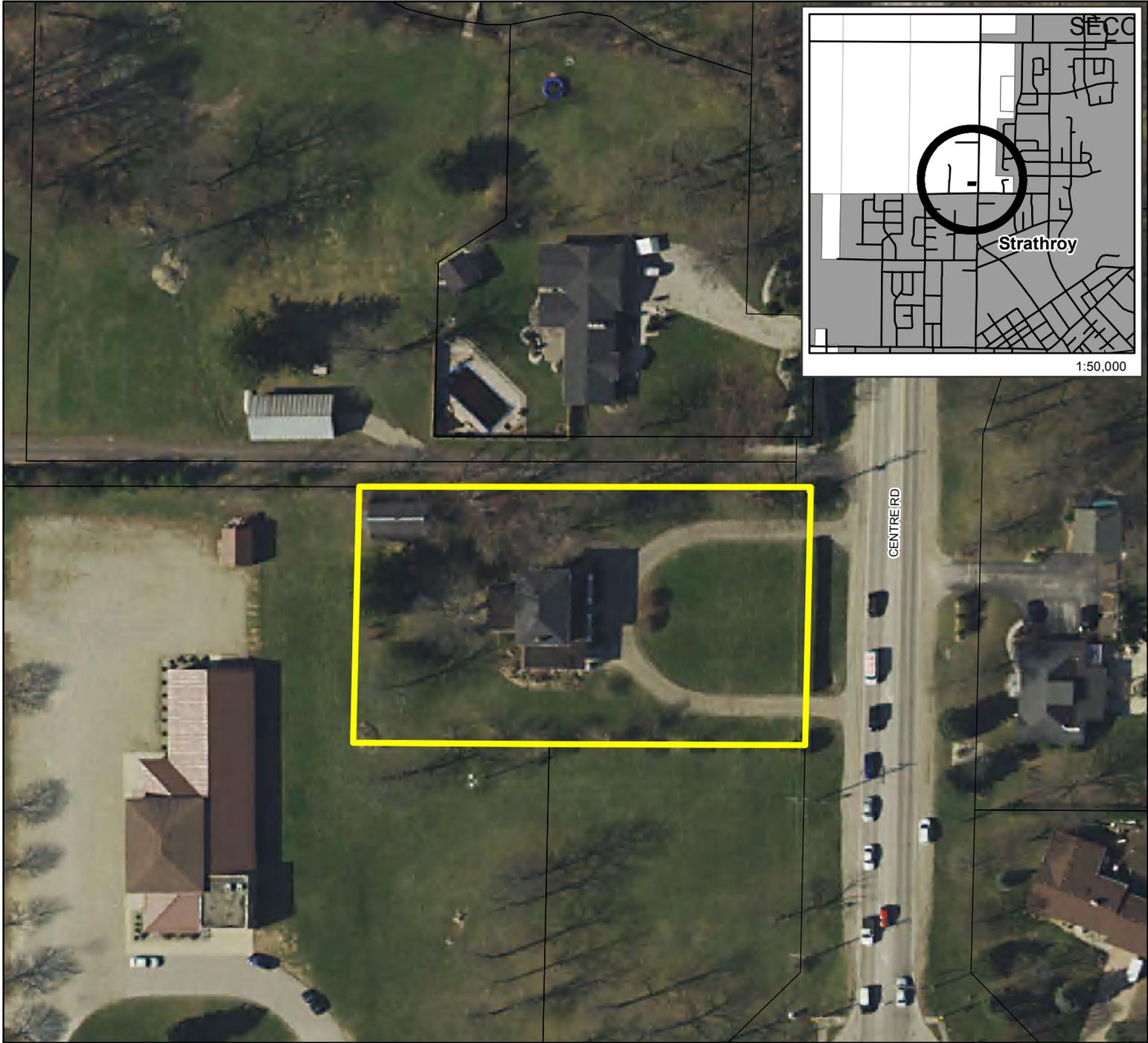
2. That the owners provide interconnected carbon monoxide and smoke alarms with a visual signaling component, to the satisfaction of the Township's Chief Building Official.
3. That a sketch illustrating the location of the three (3) required parking spaces be provided, to the satisfaction of the Township.
4. That the portion of the dwelling intended for use for residential purposes be maintained and occupied by a registered owner of the dwelling or a residential tenant.

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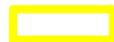
Owner: Marilyn Bailey
Agent: Robert & Mary Elizabeth Bordignon
28273 Centre Road
South Part of Lot 21, Concession 3, SER;
Part of Lot 1, Plan 295; Part 1, RP 33R5374
Township of Adelaide Metcalfe (Adelaide)



Township of ADELAIDE METCALFE

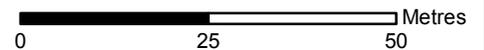


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399 Ridout Street North, London, ON N6A 2P1
(519) 434-7321
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 **SUBJECT LANDS**



1:1,000



Disclaimer: This map is for illustrative purposes only. Do not rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation.