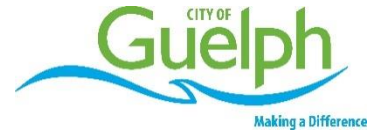


# Committee of Adjustment Comments from Staff, Public and Agencies

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## Application Details

Application Number: A-83/24  
Location: 63 Arkell Road  
Hearing Date: November 14, 2024  
Owner: Mary Rife  
Agent: Jake Branch  
Official Plan Designation: Low Density Residential  
  
Zoning Designation: Low Density Residential 1 (RL.1)

## By-Law Requirements:

The property is located in the Low Density Residential 1 (RL.1) Zone. Variances from Section 4.15.1(b), Section 4.15.1(e), and Section 4.15.3(b) of Zoning By-law (2023)-20790, as amended, are being requested. The By-law requires that:

- a) a home occupation shall not obstruct or occupy the legal off-street parking space for a dwelling unit and shall not occupy any portion of an attached garage or carport, and home occupations are permitted in accessory buildings and structures and detached additional residential dwelling units;
- b) there shall be no outdoor display and sales area or outdoor storage area in conjunction with a home occupation;
- c) a retail establishment is not permitted as a home occupation, and retail sales shall be limited to items that are prepared within the area associated with the home occupation or which are accessory to the home occupation and shall not occupy more than 25 percent of the gross floor area of the home occupation.

**Request:** The applicant is seeking relief from the requirements of Zoning By-law (2023)- 20790, as amended, to permit:

- a) the home occupation (bicycle repair and sales) to occupy half of the attached garage, being 22.2 square metres in area;
- b) an outdoor display and sales area in the exterior side yard, being 49 square metres in area;
- c) the retail sales of bicycles to occupy more than 25 percent of the gross floor area of the home occupation.

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## **Staff Recommendation**

### **Approval with Condition**

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## **Recommended Condition**

### **Planning Services**

1. That the outdoor display area for the proposed home occupation area be operated in general accordance with the size and location of such area outlined in the submitted site plan sketch to the satisfaction of the General Manager of Planning and Building Services.
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## **Comments**

### **Planning Services**

The subject property is designated as "Low Density Residential" in the Official Plan. The "Low Density Residential" land use designation applies to residential areas within the built-up area of the City and permits a range of housing types including single detached dwellings, duplexes, and triplexes. Per Section 9.2.5 of the Official Plan, ancillary home occupations are permitted within residential land use designations provided four development criteria are met. The following is a review of the development criteria in reference to the currently proposed home occupation:

- i) Only persons residing within the dwelling unit will be permitted to operate the home occupation;

A resident of the dwelling is proposed to operate the home occupation.

- ii) The home occupation shall be compatible with adjoining residential properties and shall preserve the amenity of the overall residential neighbourhood;

The subject property is only directly adjoined to one residential property along the west lot line, which is opposite to the side of the subject dwelling where the home occupation would be active. It is important to note that the meaning of 'compatible' does not necessarily mean similar to what is already existing in the neighbourhood; rather, that the use and enjoyment of neighbouring uses is not negatively impacted. The home occupation had operated a number of years without issue. For these reasons, this criterion is satisfied as in the opinion of staff the home

occupation is compatible with the overall residential neighbourhood and adjoining residential property.

- iii) The home occupation shall not change the principal character or external appearance of the dwelling and property involved;

While the proposal does include an outdoor display area for the home occupation, no built form or permanent changes are proposed that would alter the appearance of the main dwelling or property. The portion of the home occupation within the garage would be partially visible from the street but likewise does not alter the existing building form in any way. Both display area and garage are set back from nearby residential properties in front of the home occupation, and do not directly face the active frontages of these properties. The intent of this criterion is being met.

- iv) No aspect of the home occupation shall be visible from the outside of the property.

The intent of this criterion is to preserve the character of the residential community and to ensure the home occupation remains secondary to the intended residential use of the lands. The subject property is uniquely situated on a corner lot that does not directly face another active face of a residential property. The display area on the front yard and home occupation located within the garage is further setback from residential uses across Arkell Road, as Arkell is a wider than typical right-of-way (classified as an arterial road per Schedule 5 of the Official Plan). Given the above, and that the home occupation has operated to be secondary in nature with the dwelling's residents for several years, the intent of this criterion is still being met in the opinion of staff.

For these reasons, staff are satisfied that the proposal conforms with the intent of the Official Plan per the required development criteria and would facilitate the operation of a permitted home occupation use.

The subject property is zoned "Low Density Residential 1" (RL.1) according to Zoning By-law (2023)-20790, which permits home occupations. The applicant is proposing three variances to permit an existing bicycle sales and repair home occupation. The first variance is to permit a home occupation to occupy one legal off-street parking space for the dwelling unit (approximately 22.2 square metres in area within the attached garage), whereas the Zoning By-law does not permit obstruction or occupation in the legal off-street parking spaces or any portion of an attached garage or carport by a home occupation. The intent of this provision is to ensure adequate legal parking space is available on every lot and is not rendered unusable by a home occupation. The applicant has demonstrated that the existing dwelling has two interior garage parking spaces available, with the home occupation only occupying one space. Staff therefore find that the intent of this

provision is being met given one legal parking space is still being provided, and additional legal parking spaces are provided in the driveway.

The second variance is to permit an outdoor display and sales area in conjunction with the home occupation, whereas the Zoning By-law does not permit one with a home occupation. The intent of prohibiting an accompanying display and sales area is to ensure that home occupations remain secondary to the main residential use of the property, and to maintain the residential character of the neighbourhood. The applicant has communicated that the display area would only be in use a portion of the day and would be stowed away every evening, with no built form being proposed. Further, the subject property is a corner lot where the display area does not directly face the active frontage of another residential use. The display area would be along Arkell Road which is a wider arterial right-of-way, further separating the display area from the residential lots across the street. Staff therefore find that permitting an outdoor display and sales area does not detract from the character of the residential neighbourhood or the residential uses of the subject property.

The third variance is to permit the retail sales of bicycles and to permit the retail sales area to occupy more than 25 percent of the gross floor area of the home occupation, whereas the Zoning By-law does not permit home occupation retail establishments, and retail sales are limited to 25 percent of the gross floor area of the home occupation. Similar to the above, these provisions are intended to ensure residential uses remain the primary use on the property, not retail uses. In the opinion of staff, permitting a retail home occupation in this case does not detract from the residential use of the property, as the home occupation takes up only a small portion of the main dwelling within a portion of the garage. Allowing the retail sales area to exceed the 25 percent maximum likewise does not take away from the residential character of the neighbourhood, as the property is located on a relatively spacious corner lot not directly facing the active frontage of another residential property.

Overall, the proposed variances are not anticipated to impact the surrounding neighbourhood any more than what had previously existed and would formalize an existing home occupation in service to the wider community. Staff therefore find the variances to be in conformity with the intent of the Zoning By-law.

Staff are likewise satisfied that the proposal is minor in nature, and as the home occupation remains secondary to the residential uses of the property and is otherwise permitted as a use in the Official Plan and Zoning By-law, desirable for the appropriate development of the land.

Staff recommend approval of the application. Staff are recommending a condition to ensure the size and location of the proposed display area is in general conformity with the provided site plan.

### **Engineering Services**

Engineering has no concerns with the requested variance. We agree with the recommendations made by Planning and Building staff.

## **Building Services**

This property is zoned Low Density Residential 1 (RL.1) under Council approved Comprehensive Zoning By-law (2023)-2079, as amended. The zone permissions include home occupations which are subject to Section 4.15 of the Comprehensive Zoning By-law (CZBL). A retail establishment including outdoor display is not a permitted home occupation because there shall be no outdoor display and sales area or outdoor storage area in conjunction with a home occupation as per Section 4.15 of the CZBL.

A building permit or business license is not required for the use. Building Services has no concerns with the application and supports Planning and Engineering recommendations.

## **Comments from the Public**

Yes (see attached)

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## **Contact Information**

**Committee of Adjustment:** City Hall, 1 Carden Street, Guelph ON N1H 3A1

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