



## *Internal Memorandum*

To: Ruchika Angrish  
Senior Planner

From: Jessica Kitchen  
Zoning Administrator

Re: Application No.: ZBA9/17/RA  
Applicant: Gerrit Zylstra  
160 King Street

Date: May 1, 2017

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Ruchika:

These comments relate to ZBA9/17/RA submitted by Gerrit Zylstra, Owner/Applicant of the Plan 727 Lot 25, former Township of Burford land known as 160 King Street is presently Zoned Built and Cultural Heritage Suburban Residential (HA-SR) within the County of Brant Zoning By-law 61-16. The applicant is proposing to amend the current Zoning on the Subject Lands to allow for the existing use of sales and repair of bicycles as a home based business.

The existing home based business operates out of the detached accessory structure on site which is 111.48m<sup>2</sup> with a height of 4.2m.

Home based business within the SR are not permitted within a detached accessory structure;

c) A *home occupation* shall only be permitted within the residential *dwelling* except in Agricultural (A) *Zone*, Rural Residential (RR) *Zone* and Residential Hamlets and Villages (RH) *Zone*, the *home occupation* may be located within a *building* or *structure* which is *accessory* to the *main* residential or *agricultural use*.

This would have been permitted within the previous By-Law 110-01 therefore this would be considered Legal Non-Conforming with respects to the current By-Law 61-16.

The existing accessory structure for which the home based business is located within complies with the size restriction of the By-Law as it is currently 9.1% of the total lot area;

c) The *gross floor area for the home occupation* if located within *accessory building* shall not exceed 10% coverage of the *lot area* or a total of 300 square metres of *floor area* of the *building*, whichever is the lesser.

No outdoor storage or display is permitted in relation to a home based business within the By-Law;

#### **4.16.6 Storage and Display**

a) *Open storage* or display of merchandise, material or equipment is prohibited.

b) Merchandise may be displayed within the *dwelling or accessory building* provided it shall not be visible from outside the *dwelling or accessory building where it is displayed*.

c) Merchandise, material and equipment shall be stored within an *attached or detached* garage or other *accessory building* provided it shall not be visible from outside.

d) External advertising is prohibited except in accordance with the County's Sign By-Law.

This has been consistent in the past By-law 110-01 and within the Township of Burford Zoning By-Law, outdoor display and storage of materials associated with a home based business have not been permitted historically.

#### **4.16.7 Retail Sales**

Any *gross floor area* used for retail sales shall be no more than 10% of the *gross floor area* of the *home occupation* and shall generally include goods related the *home occupation* or manufactured as a part of the *home occupation*.

A total of 3 parking spaces will be required on the property;

#### **4.16.2 Parking**

An additional *parking space*, in accordance with this By-Law, shall be provided for each *home occupation* in addition to those required by the By-Law for other permitted *uses* on the *lot*.

***Single Detached Dwelling***, 2 spaces per unit

The existing use of sales and repair of bicycles as a home based business would not be permitted within the current By-Law 61-16;

#### **4.16.8 Uses Permitted and Prohibited**

a) *Home occupations* shall be limited to the following occupations:

- (i) *Bed and breakfast establishment* subject to Section 4.16.9;
- (ii) Caterer's establishment;
- (iii) Computer services;
- (iv) *Crafts Shop*;
- (v) Instruction of music, arts, academic subjects;
- (vi) Insurance and/or sales agents;
- (vii) *Office, Business or Professional*;
- (viii) *Medical Office* limiting the *use* to physiotherapist, osteopathic, chiropractor, massage therapist limited to only one practitioner. This shall not include dentists, laboratory, *pharmacy* or a dispensary;
- (ix) *Personal service establishment*;

- (x) *Private home day care*;
- (xi) *Seamstress/tailor*;
- (xii) *Studio*.

b) None of the following *uses* shall be considered *home occupations*, except where such *uses* are specifically permitted:

- (i) *hospital*;
- (ii) *funeral home*;
- (iii) *restaurant*;
- (iv) *medical/dental office*;
- (v) *salvage yard*;
- (vi) *automotive use*;
- (vii) *open storage*;
- (viii) *veterinary clinic*.

#### **4.16.9 Bed and Breakfast Establishment**

Where permitted, the following regulations apply for a *bed and breakfast establishment*.

- a) A *bed and breakfast establishment* is only permitted within a *single detached dwelling*.
- b) The *bed and breakfast establishment* shall have a maximum of three bedrooms for booking which shall in total not exceed a maximum of 25% of the *gross floor area* of the *single detached dwelling*.
- c) The *bed and breakfast establishment* shall be operated by the *owner/owners* residing in the same *dwelling* in which the *bed and breakfast establishment* is located.
- d) The parking for the *bed and breakfast establishment* must be provided on the same *lot* in accordance with Section 5.12 of this By-Law and must be in addition to the parking requirements for the *main dwelling* and may be in tandem with the required parking for the *main dwelling*.

Please see all other requirements of a Home based business within the By-Law;

#### **4.16.1 Location and Residential Character**

- a) The residential appearance and character of the *dwelling* and the *lot* shall be maintained and no exterior *alteration* shall be made to the *dwelling* which would indicate that any part of the premises is being *used* for any purpose other than that of a residential *dwelling*.
- b) A *home occupation* shall be clearly secondary and incidental to a *dwelling* occupied by the owner or tenant as his *main* residence.
- d) Notwithstanding anything in this By-Law to the contrary, a maximum of two *home occupations* otherwise permitted in this section may be permitted within one *dwelling unit* provided the two *home occupations* cumulatively do not exceed the *gross floor area* requirements for *home occupations* as set out herein.

#### **4.16.4 Nuisance**

- a) No residential *home occupation* shall create or become a public nuisance, particularly with regard to noise, odour, fumes, vibration, traffic, emissions or parking nor shall it cause electrical

interference or interference with telephone, television, and radio or satellite equipment reception.

b) The *home occupation* shall not create or become a fire, health or *building* hazard.

#### **4.16.5 Employees/Customers**

a) Any *home occupation* in any Urban Residential Zone or Non-Urban Residential Zone shall not employ anyone at any time.

b) No more than two (2) people who do not reside on the *lot* may be employed by the *home occupation* in an Agricultural Zone.

c) The *home occupation* shall not involve the *use* of the premises as a base of operations for people who are employed by or associated with the *home occupation*, nor shall the premises be *used* to assemble or rally such people for transportation to a work site.

d) No more than two (2) clients, customers or students shall be serviced at any one time.

Staff's understanding is that there is a limited area which has been historically used for open storage at the rear of the property directly behind the existing detached accessory structure. Please provide a size of the area being utilized for outdoor storage at your earliest convenience.

Please see the following requirements relating to signage for a home based business;

### **I. HOME OCCUPATION IDENTIFICATION SIGNS**

Where permitted by Section 6, the following regulations apply to *home occupation identification signs*:

#### **I-1 Number permitted**

One (1) *home occupation identification sign* is permitted per *property*.

#### **I-2 Location**

No *home occupation identification sign* shall be located closer than:

- (a) 3.0m to a *property line*
- (b) 3.0m to a *street line*
- (c) No home occupation identification sign shall be erected in an interior side yard

#### **I-3 Maximum height**

1.5m

#### **I-4 Maximum area per sign face**

- (a) Agricultural zones: 1.5m<sup>2</sup>
- (b) Residential zones: 0.5m<sup>2</sup>

Please refer to the Zoning By-law for further clarification at [www.brant.ca](http://www.brant.ca)

The proposed development will be subject to all other requirements of the By-law.

No further concerns or comments.

Draft ZBAs have been prepared.

JK.