

INTERNAL/EXTERNAL MEMO

Dan,

These comments relate to the Zoning By-Law Amendment Application ZBA1/19/DN submitted by David Roe, Agent/Applicant on behalf of Peter & Jamie McMahon, Owner of SOUTH DUMFRIES CON 2 SUB PT LOT 3 EGR R 2R7437 PART 2 IRREG, in the former Township of South Dumfries and known as 186 East River Road. The Applicant is proposing to rezone a portion of the subject lands from Rural Residential (RR) to Special Exception Rural Residential (RR-__) to permit a residential lot with 10.0 metres of frontage along East River Road whereas a minimum of 40.0 metres is required in the Rural Residential (RR) Zone.

Currently the above noted property is Zoned Rural Residential (RR) within the County of Brant Zoning By-Law 61-16.

Please see the following Zone requirements for the RR Zone:

9.2 Zone Requirements

No *person* shall within any Non-Urban Residential (NUR) *Zones*, *use any lot or erect, alter or use any building or structure* except in accordance with the following provisions. Suburban Residential (SR) *Zone* and Residential Hamlet (RH) *Zone* are intended for *development* with or without a municipal water supply. Rural Residential (RR) *Zone* is intended for *development* having *private* services.

Table 9.2: Zone Provisions

Zones Provision	SR and RH		RR
	Partial Services	Private Services	
Lot Area , Minimum (square metres)	1000	3000	4000
Lot Frontage , Minimum (metres)	20.0	30.0	40.0
Street Setback , Minimum (metres)	7.5		20.0

Interior Side Yard Setback, Minimum (metres)	1.5	5.0
Rear Yard Setback, Minimum (metres)	7.5	15.0
Lot Coverage, Maximum	30%	30%
Landscaped Open Space, Minimum	30%	30%
Building Height, Maximum (metres)	10.5	10.5

The proposed reduction in frontage from a minimum of 40.0 metres being required to 10.0 metres being proposed is significant as this is less than half of the requirement by By-Law. These requirements were approved in May of 2016 wherein the requirements of the Rural Residential Zones were given much consideration with respects to the character of the established surrounding development and the absence of Municipal Services. Staff has supported minor reduction requests with respects to lot frontage and area within the Non-Urban Residential Zones since the passing of By-Law 61-16, but not of this scale.

The smallest increment of lot frontage permitted within the County of Brant Zoning By-Law 61-16 is 9.0 metres for a rowhouse and/or street fronting rowhouse dwelling and a minimum of 11.0 metres for a single detached dwelling within the Residential Singles (R1) Zone. These requirements are significantly different being located within the Urban Residential Zone Category and on full Municipal Services.

Furthermore, if 10.0 metres of frontage is approved within the Non-Urban Residential Zone categories through Site Specific consideration than this would be potentially attainable for other similar circumstances within all of the Non-Urban Residential Zone Categories (Suburban Residential (SR), Residential Hamlets and Villages (RH), and Rural Residential (RR) throughout the County of Brant.

Please see the following requirements relating to servicing:

4.27 Municipal Services

No *buildings* or *structures* may be *erected*, *used* or occupied in any *Zone*, unless the following requirements are met:

- a) watermains, storm and sanitary sewer systems are *existing* and have adequate capacity or have been provided for in a binding and secured Development Agreement and all regulatory approvals have been received to the satisfaction of the County; or
- b) where such services are not required or contemplated, an approved waste disposal system and potable water supply to sustain the *use* of land for *buildings* or *structures* are *existing* or have been provided for to the satisfaction of the Chief Building Official and all regulatory approvals have been received to the satisfaction of the County.

The above noted requirements will need to be met from the newly proposed lot lines. As there was no detailed surveyed plan submitted illustrating the proposed lot lines and setback information Staff cannot confirm that the proposal meets all other requirements of the By-Law at this time. This information should be confirmed by the Consultant prior to the request moving forward in order to determine if there are any other deficiencies which need to be recognized. A map with no lot lines labeled, dimension lines drawn, size of existing structures labeled was provided to Staff as part of this application. Staff notes that if the proposal moves forward without further detailed information being provided a further Application may result in future upon further review (ex. submission of lot grading plan for the purpose of obtaining a Building Permit Application).

Please be advised that the uses of a commercial business, livestock, and/or a second dwelling are not permitted within the RR Zone.

Please see the following parking requirements and driveway requirements within the By-Law:

5.7 Specifications for parking/loading and Access regulations

- a) A *parking space* required hereby shall have minimum rectangular dimensions of 2.8 metres by 5.5 metres
- d) The *parking space* in any Residential Zones inside a *garage* or a *carport* shall have a minimum dimensions as stated below:
 - (i) 3 metres wide by 6.0 metres length, where one *parking space* is provided; and
 - (ii) 2.8 metres wide by 6.0 metres length for the first *parking space* and 2.8 metres wide by 5.5 metres length for the second parking space where two *parking spaces* are provided.
- g) On a *lot* with a width of 11.0 metres or less, a *driveway* may extend beyond the width of the attached *garage* to a maximum width of 55% of the *lot* width or 5.5 metres, whichever is less; and shall be located no closer than 0.6 metres to a *side lot line*;
- h) On a *lot* with a width greater than 11.0 metres, the *driveway* may extend beyond the width of the attached *garage* to a maximum width of 50% of the *lot* width or 8 metres, whichever is less; and shall be located no closer than 0.6 metres to the *side lot line*;
- j) In the case of a *dwelling* without an attached *garage*, the *driveway* width shall not exceed 5.5 metres within the *front yard*, *side yard*, or *exterior side yard*;
- l) The combined width of a *mutual driveway* shall not exceed 10 metres.

5.8 Location of Required Parking and Loading Spaces

d) Notwithstanding the *yard* and *setback* provisions of this By-Law to the contrary, uncovered surface *parking areas* shall be permitted in the required *yard setbacks* as follows:

Table 5.2 Parking Yard Requirements

Residential	<p>a) In <i>front yard</i> and <i>exterior side yard</i> provided that no part of any <i>parking space</i> is located closer than 3 metres to the <i>lot line</i>;</p> <p>b) In <i>yards</i> leading directly to a <i>garage</i>, a <i>carport</i> or a <i>parking space</i>;</p> <p>c) No <i>person</i> shall park or permit to park a <i>vehicle</i> in the <i>front yard landscaped open space</i> of any <i>lot</i>.</p>
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5.9 Surface Treatment and Drainage

a) All *parking areas*, *driveways* and *loading spaces* shall be constructed and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, using such surfacing materials as gravel, asphalt, concrete, interlocking brick, or other hard-surfaced material sufficient to provide stability, prevent erosion, be usable in all seasons, and allow infiltration of surface water.

b) The surface of every *parking area*, *driveway* or *loading space* located in any *yard* in any Commercial and Employment Zone or a commercial/industrial use, which is located adjacent to any Residential Zone, shall be paved with asphalt, concrete or paving stones.

5.11 Parking Space Requirements for Residential Uses

Table 5.4 Parking Requirements for Residential Zones

<i>Converted Dwelling, Duplex Dwelling, Fourplex Dwelling, Rowhouse Dwelling, Semi-Detached Dwelling, Single Detached Dwelling, Stacked Townhouse, Triplex Dwelling</i>	2 spaces per unit
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Please send the Draft Amending By-Law to my attention for review and formatting prior to the By-Law proceeding to Committee and Council.

If you have any questions please do not hesitate to contact me.

Thank you,

Jessica.