

TITLE: <p style="text-align: center;">VARIANCE 832 19th STREET OWNER: AGELO KOKONAS APPLICANT: HORIZON BUILDERS LTD.</p>		
PRESENTER: Waleed Albakry, MCP	FILE NO: V-16-15-B	
DEPARTMENT: Planning & Building Safety	MEETING DATE: August 5, 2015	
CLEARANCES: Principal Planner	ATTACHMENTS: A. Application related documents (Attachment A) B. Map, air photo & drawings (Attachment B) C. Community participation report (Attachment C)	
APPROVALS: <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <i>Original signed by W. Albakry</i> July 22, 2015 Community Planner Date </div> <div style="text-align: center;"> <i>Original signed by R. Nickel</i> July 22, 2015 Principal Planner Date </div> </div>		

REQUEST:

Ross Sumner, a representative of the applicant, Horizon Builders LTD., on behalf of the property owner, Agelo Kokonas, is applying to vary note 7 to Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law to allow front vehicle access for a site that abuts a public lane for a property located at 832 19th Street in the RLD Residential Low Density Multiple Family Zone. Approval of this application will allow for the development of a two-storey semi-detached dwelling with front vehicle access.

BACKGROUND:

Development Context

The subject site is currently vacant and is approximately 15m x 37m. The site is located midblock on the west side of 19th Street. The immediate surrounding area consists of RLD zoned properties, the majority of which have remained as single-family dwellings. The subject site is within close proximity to commercial properties which front 18th Street to the east and Park Avenue to the south. Further south of Park Avenue is the Canadian National Railway right-of-way.

History

The subject site had a single family house that was demolished in 2013. Vehicular access to the house was from a driveway located to the northeast of the property along 11th Street.

ANALYSIS:

The applicant is proposing to construct a 2-storey semi-detached dwelling with garages facing 11th Street. In accordance with the City of Brandon Zoning By-law, section 35 “Residential Bulk and Siting Requirements variance is required to allow vehicle access from the front street for a site that abuts a public lane.

A transit stop for is located within a walking distance of the subject site along the west side of 18th Street and south of Park Avenue.

Consistency with Part 6, Section 97(1)(b) of The Planning Act and Demonstration that the Variance:

1. Will be compatible with the general nature of the surrounding area;

There are a total of eight (8) existing properties with front accesses located within the same block as the subject site. Six of these driveway accesses are paved, and the remaining two are of gravel surface. Most of these front driveways are legally non-conforming as they were established before the city adopted the current standards and regulations. Similar to those neighboring properties on the same block, a front driveway already exist serving the prior dwelling on the subject property. The entrances to the units are proposed to be located parallel to the garage and oriented towards the street to decrease the prominence of the garage. The width of the driveway will also be limited to allow for maximum amount of landscaping in the front yard. The proposed development remains to be residential in nature; the proposed variance will not impact the compatibility of the residential uses in the surrounding area.

2. Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area;

Front access driveways typically increase the level of vehicle and pedestrian conflict on the sidewalk. In this particular case, the proposed development will not increase the number of driveway accesses as the previous house already had a front driveway access at the northeast side of the property. The proposed development will merely relocate the access to the centre of the property along 19th Street. The site is located internally to the block, the safety of vehicles at the intersection will likely not be compromised.

3. Is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

The width of the subject site along the rear lane is 15m which can accommodate the required two (2) parking spaces. Designing the site to allow for access only from the rear lane does not impose an injurious effect on the subject site.

4. Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law.

The subject site is designated “Residential” in the Development Plan, and the proposal complies with policy 10.2.3 (a) which states that the City of Brandon shall prioritize growth through supporting intensification of infill areas. The proposed infill development meets the intent set forth in the Development Plan. In addition, the proposal complies with policy 10.2.4(I) which states that Brandon shall strive to accommodate 20% of the City’s future population growth within developed areas - by contributing to the target of accommodating 20% of populating growth within existing areas.

Note 7 of Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law stipulates that:” Where a property does not abut a public lane, vehicle access may be obtained from the front street...” The aforementioned note from the Zoning By-law is further clarified in provision 3.3(e) of the recently adopted Urban & Landscape Design Standards Manual (ULDSM) which states that, “Where residential sites are serviced by a functioning rear lane, all vehicle access including parking should be from the lane. The proposed variance does not comply with the intent of this provision set forth in the ULDSM. However, the proposed development complies with provision

4.2 “Orientation & Entrances” of the ULDSM which states that “Principal building entrances should be oriented towards the street and be designed to be clearly identified and accessible...”, by locating building entrances along 19th street and being clearly visible from the street, the proposed design complies with this section of the ULDSM. The building placement also complies with all setback requirements set forth in Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law.

Commenting Agencies

All minor comments have been addressed, all major and outstanding comments are summarized below.

City of Brandon

- The applicant/ owner is responsible for restoring the existing approach along 19th Street to the City of Brandon standards.
- The applicant/owner is responsible for creating the new approach along 19th Street to the City of Brandon standards.
- The applicant/owner is responsible for planning and replacing the boulevard trees along the east side of the property line.
- A service plan as well as a drainage plan will be required
- Copies of the caveat and the easement that are registered on the title will need to be submitted before signing off on the building permit.
- Address to stay the same and the developer will need to designate the units.

Notification

As required under section 169 of The Planning Act, notice of this Public Hearing regarding this application was sent to owners of property within 100 metres (328 feet) of the subject property and notice posters were posted on the property.

Public Outreach

In accordance with the Zoning By-law Appendix D Section (b)(2)(iv), Public Outreach requirements, additional public outreach was not required since the variance will not result in the increase of intensity or density of the use of the land beyond what is allowed under the Zoning By-law for this property. Although additional public outreach was not required, the applicant went door to door and explained to the neighbours the intent of the variance application. As indicated in the community participation report (Attachment C), the neighbours did not have any concerns regarding the proposed variance.

As of the writing of this report, the Planning & Building Safety Department has not received any written comments from the public in favour of or opposition to the proposal.

RECOMMENDATIONS:

That the Public Hearing for Variance Application V-16-15-B at 832 19th Street be concluded.

That Variance Application V-16-15-B to vary note 7 to Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law to allow front vehicle access for a site that abuts a public lane in the RLD Residential Low Density Multiple Family Zone be approved at 832 19th Street (Lots 29 & 30, Block 31, Plan 720 BLTO) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-3” and the attached site plan “Attachment B-2” and elevation plan “Attachment B-4.”