


<b>TITLE:</b> <p style="text-align: center;"><b>VARIANCE</b>  <b>637 PRINCESS AVENUE</b>  <b>OWNER/APPLICANT: 6519599 MANITOBA LTD.</b></p>						
<b>PRESENTER:</b> Andrew Mok, BES MCIP RPP		<b>Page 1 of 5</b>				
<b>DEPARTMENT:</b> Planning & Building Safety	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings					
<b>CLEARANCES:</b> Principal Planner	<b>MEETING DATE:</b> March 2, 2016					
<b>APPROVALS:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;"> <i>[Original signed by A. Mok]</i>  <b>Community Planner</b> </td> <td style="width: 33%; text-align: center;">           Feb. 17, 2016  <b>Date</b> </td> <td style="width: 33%; text-align: center;"> <i>[Original signed by R. Nickel]</i>  <b>Principal Planner</b> </td> <td style="width: 33%; text-align: center;">           Feb. 22, 2016  <b>Date</b> </td> </tr> </table>			<i>[Original signed by A. Mok]</i> <b>Community Planner</b>	Feb. 17, 2016 <b>Date</b>	<i>[Original signed by R. Nickel]</i> <b>Principal Planner</b>	Feb. 22, 2016 <b>Date</b>
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**REQUEST:**

The applicant, Phil Dorn of 6519599 Manitoba Ltd., is applying to vary section 15.1 of the former Zoning By-law No. 6642, which is now subsection 4.2(c) of Schedule C: Urban and Landscape Design Standards of Zoning By-law No.7124, to allow for an exterior stairway exceeding 1.5m in height between a principal building and a front site line for property located at 637 Princess Avenue in the HMU HUB Mixed Use Zone. Approval of this application will allow for the construction of an exterior fire escape from the second storey of the building.

**BACKGROUND:**

***Development Context***

The subject site is a former fire station with the main floor recently converted into a restaurant; the applicant is in the process of converting the second storey for office uses. The topography of the site is sloped in a south-to-north direction and the site is occupied mostly by the old fire station Station building with some parking spaces located to the east of the building. The site is surrounded by a variety of commercial uses on all sides, including offices, personal services and retail businesses. The site is located directly across the A.R. McDiarmid Civic Complex south of Princess Avenue. The Dood Cristall Family YMCA recreational facility is located diagonally across the 7<sup>th</sup> Street and Princess Avenue intersection from the subject site. Access to the site is provided by 7<sup>th</sup> Street and the lane between 6<sup>th</sup> and 7<sup>th</sup> Streets for vehicles, with patrons’ access to the main entrance of the restaurant on Princess Avenue. Though the site has a civic address off Princess Avenue, due to the arrangement of the subject site as well as adjacent sites to the north and east, the site is deemed to have a front site line along 7<sup>th</sup> Street under both the previous Zoning By-law No. 6642 and the current Zoning By-law No. 7124.

***History***

Built in 1911, the subject site, known as Central Fire Station No. 1, was owned and operated by the City as a fire station until 2010, when Brandon Fire and Emergency services moved its operations to the current site on 19<sup>th</sup> Street North. The subject site was designated as a Municipal Heritage Site in 2000; character defining elements of this Municipal Heritage Site included but were not limited to the longtime use of local civic

importance of the building as a fire station, the Châteauesque architectural style, the Italianate style tower and the use of red brick and concrete on the building.

In 2015, the City sold the subject site to the current property owner to allow for redevelopment of the site. The current property owner redeveloped the majority of the main floor to establish a restaurant. The property owner also intends to develop offices on the second storey and a dwelling unit on the third storey. Pursuant to the Manitoba Building Code, the National Building Code and the Brandon Building By-law, in order to redevelop the second storey space with the proposed occupancy classification, a second means of egress is required. The applicant originally submitted a floor plan that showed an interior access that was acceptable under the Manitoba Building Code (Attachment B-6), but the applicant revised the plan to propose an exterior stairway in place of the interior one. As part of the review of the original plan, the Planning & Building Safety Department contracted a consultant to conduct a peer review of the performance-based fire protection specific to excluding an automatic fire suppression system (i.e. sprinklers). The intent of the peer review was to validate the applicant's performance-based fire protection design, pursuant to the Society of Fire Protection Engineer's Guide to Performance-Based Fire Protection. According to A-2.3.1 of Division C of the 2010 Manitoba Building Code, "An Alternative Solution could be invalidated by a proposed alteration to the building." Should the variance be approved, the approval will be subject to another review by the same third-party, at the applicant's own expense, on the performance-based fire protection of the exterior stairway.

#### **ANALYSIS:**

The applicant proposes to construct an exterior stairway on the west side of the building on the subject site from the second storey to grade (Attachments B-2, B-4 and B-5). The stairway will be of metal construction, and will be used as a fire escape from the second storey. An existing window frame will have to be modified to accommodate the second-storey exit.

#### ***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;***

The proposed stairway will be the nearest exterior feature to the 7<sup>th</sup> Street site line, making it highly visible when viewed from that street. Despite exterior stairways having been used as secondary means of egress in older buildings within the downtown area, such design practice is no longer in compliance with the Urban & Landscape Design Standards adopted by City Council. Subsection 4.2(c) of the Urban & Landscape Design Standards intends to preserve the integrity of the architectural element of the principal building design. As a comparison, a nearby building at 640 Rosser Avenue also has an exterior stairway, but it is visible from the street only in a limited manner as it has a setback from 7<sup>th</sup> Street that is significantly greater than that building.

Furthermore, the subject site is a designated Municipal Heritage Site, the proposed exterior staircase is not in compliance with Section 4.3 of the Standards and Guidelines for the Conservation of Historic Places in Canada (SGCHPC), a national resource on the preservation and rehabilitation of heritage sites. Section 4.3 intends to protect the architectural significance of historic buildings where "new functions and services be accommodated in non-character-defining interior spaces." The proposal will not be compatible with the general nature of 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;***

The subject site is registered as a Municipal Heritage Site. Though this designation immediately affects the subject site, there are supplementary benefits to sites surrounding a heritage site. Studies have shown that the preservation of heritage sites improves land values of both the heritage sites and the properties surrounding them.

Alterations to heritage sites could jeopardize the heritage value of those sites, which in turn will have an effect on surrounding areas. The former fire station on the subject site was not originally designed to accommodate an exterior stairway. At the very least, the following alterations must be made to the building's exterior in order to accommodate the proposed exterior stairway:

- An existing second-storey window frame must be enlarged to accommodate a door, resulting in a partial demolition of the exterior wall;
- The west façade must be drilled to support the stairway; and
- Most of the first-storey windows along the west façade must be altered to an unsympathetic style to provide fire protection in accordance with the Manitoba Building Code.

These alterations, along with the exterior stairway itself, are not in compliance with the SGCHPC. Guideline 11 of Section 4.3: Guidelines for Buildings, Subsection 4.3.1: Exterior Form of the SGCHPC recommends that new functions and services be accommodated in non-character-defining interior spaces as an alternative to constructing a new addition.

Furthermore, it is difficult to design an exterior stairway that is durable and meets all the requirements of the Manitoba Building Code, while at the same time is architecturally sympathetic to the heritage features of the building. Guideline 11 of Section 4.3: Guidelines for Buildings, Subsection 4.3.1: Exterior Form of the SGCHPC recommends that an addition should be designed so that it is compatible in terms of materials and massing with the exterior form of the historic building and its setting. The exterior stairway examples provided in the application are not considered to be sympathetic or complementary to the original architectural style of this former Fire Station building.

**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***

A fire escape is required under the Manitoba Building Code and the National Building Code of Canada prior to establishing a use on the second storey. The original plan for a heritage permit to develop the restaurant in 2015 proposed an interior stairway (Attachment B-6).

The Municipal Heritage Site designation and the heritage value of the building are evaluated based on the architectural and historical significance. The proposed exterior stairway, according to the SGCHPC as highlighted in the analysis earlier in this report, will decrease the architectural significance of the subject site. This decrease in architectural significance will be injurious to the heritage value of the building and jeopardize the integrity of the Heritage Conservation By-law. The requested variance, therefore, is not the minimum modification of a zoning by-law necessary to relieve the injurious effect of the Zoning By-law on the applicant's property.

**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 Brandon & Area Planning District Development Plan does not address detailed design issues; these standards are governed by The HUB Secondary Plan and the Zoning By-law.

The HUB Secondary Plan has policies on urban design for sites within the HUB Secondary Plan Area in which the subject site is located; section 5.3 regulates building design and heritage streetscapes. Building Design Policy (c) states that architectural details for the front façade should be carried around the building where side façades are exposed to a street, while Heritage Streetscape Policy (b) states that building renovations should be sympathetic to the original building façade by maintaining similar construction styles/techniques and original architectural details. The proposed exterior stairway will alter the architectural features and the stairway is not sympathetic to the original building façade. The proposal therefore is not consistent with the policies set forth in the HUB Secondary Plan.

Though Zoning By-law No. 6642 has been replaced by Zoning By-law No. 7124, the provision which the applicant wishes to vary still exists, albeit now relocated as subsection 4.2(c) in the Urban & Landscape Design Standards (Schedule C of Zoning By-law No. 7124). The intent of this provision is to ensure buildings are more prominent along streets by minimizing the clutter and unsightliness of exterior stairways visible from streets. The proposed stairway on the subject site decreases the prominence of the building façade when viewed from 7<sup>th</sup> Street. The proposed stairway is not consistent with the design standards set forth in the Zoning By-law.

***Commenting Agencies***

All comments have been addressed and summarized below.

***City of Brandon***

The proposal of an exterior stairway represents a significant change to plans when a building permit was issued to develop the restaurant on the first storey. Should this variance be approved, the applicant must submit, at the applicant's own expense, a follow-up third-party peer review of the alterations to the performance-based fire protection plans.

Should this variance be approved, the stairway must be designed to not encroach into any street right-of-way. A heritage permit will also be required as the subject site is designated as a Municipal Heritage Site.

***Notification***

As required under s. 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 section 13 of Zoning By-law No. 7124, the applicant conducted a door-to-door canvass of neighbours prior to August 6, 2015. As of the writing of this report, the Planning & Building Safety Department has not received representation in favour of or in opposition to this application.

**RECOMMENDATIONS:**

That the Public Hearing for Variance Application V-01-16-B at 637 Princess Avenue be concluded.

That Variance Application V-01-16-B to vary section 15.1 of Zoning By-law No. 6642 to allow for an exterior stairway exceeding 1.5m in height between a principal building and a front site line in the HMU HUB Mixed Use Zone at 637 Princess Avenue (Lots 37/40, Block 63, Plan 2 BLTO) be rejected.