



Planning & Building Safety Department  
638 Princess Avenue, Brandon MB. R7A 0P3  
T: 204.729.2110 F: 204.728.2406  
www.brandon.ca/planning

### Variance to Zoning By-law No. 7124

Name of Property Owner: Horizon Real Estate LTD  
Name of Applicant: Sang Yi, ViaSat Inc  
Civic Address of Property: 1020 20th Street, City of Brandon, Manitoba R7B 1M8 Canada  
Legal Description of Property: Lot 61 Block 2 Plan 148SE 15-10-19W PT SOUTH OF PLAN 265.5 & Lot 62 Block 2 Plan 148SE 15-10-19W S OF PL 265.5 EX E33' & PCL B PL 55555

#### References:

BAPD Development Plan By-law No. 95/01/12  
Applicable Secondary Plan By-law  
City of Brandon Zoning By-Law No. 7124

*\*\*Prior to submitting a formal application, the Planning & Building Safety Department strongly recommends that all applicants meet with a Community Planner to complete a pre-application review\*\**

#### Variance Request(s):

To increase the height of the fenced in compound from approximately 1830 mm (6 ft) to approximately 2130 mm (7 ft). To install 305 mm (1 ft) of barbed wire at the top of the fence of the compound.

*As the applicant, I confirm and verify to the City that the information provided in this application is true and complete, and I undertake to observe and perform all provisions of The Planning Act, the Development Plan, the Zoning By-law, and the provisions of other relevant laws, by-laws or agreements.*

Signature of Applicant: Sang Yi Date: 18 APRIL 2017  
Address: 2040 E Technology Circle, Tempe, AZ Postal Code: 85284  
Phone No.: (Primary) 480-848-6597 (Secondary) 480-503-5679  
Email Address: sang.yi@viasat.com

Signature of Owner: Kelvin Date: April 19  
Address: 1040 20th Street, Brandon, MB Postal Code: R7B 1M8  
Phone No.: (Primary) 204-727-1736 (Secondary) \_\_\_\_\_  
Email Address: kelvino@horizonbuilders.ca

The personal information which you are providing is being collected under the authority of The Planning Act and will be used for the purpose of approving this application. Information is also being collected for the purpose of statistical reporting. It is protected by the Protection of Privacy provisions of The Freedom of Information and Protection of Privacy Act. If you have any questions about the collection and/or use of information, contact Jennifer Houlihan, PIPPA Coordinator, City of Brandon Planning & Building Safety Department, 638 Princess Avenue Brandon, Manitoba, R7A 0P3, Telephone 204-729-2116

#### FOR PLANNING DEPARTMENT USE ONLY:

Community Planner: [Signature] Planning File No.: V-04-17-B CityView No.: PLVA 2017000039  
Date Application Received: May 26, 2017 Payment Date: May 26, 2017 Receipt No.: 17-5346 Amount: \$ 625 (575 + 50)  
Variance - Application  
REV 01/2016

May 23, 2017

City of Brandon Planning & Building Safety Department  
638 Princess Ave.,  
Brandon MB R7A 0P3  
Andrew Mok  
Heritage Planner

**Re: ViaSat Inc. Letter of Intent for Variance Request to Zoning By-law No. 7124**

ViaSat Inc. (the "Applicant"), is requesting a variance to increase the height of their fenced compound from approximately 1830mm (6ft) to approximately 2130mm (7ft) in height and installation of 305mm (1ft) of barbed wire at the top of the fenced compound (the "Proposed Request"). The satellite antenna facility is located at 1020 20<sup>th</sup> Street, City of Brandon, Manitoba R7B 1M8 Canada (the "Development Location"). The existing satellite antenna facility is located on the north central portion of property directly adjacent to railroad tracks and an existing telecommunications tower. The existing ViaSat Satellite facility consists of (1) one satellite dish, multiple equipment cabinets, a generator, electrical panel and backboard.

ViaSat is requesting a variance under By-Law 7124, Part II, Division 2, Sec. 24 for Permitted Obstructions in Required Yards in the "I" Zoning District. Per tables 1 and 2 of Section 24, fencing within the required yards of any parcel zoned IR is limited to a maximum height of 1.8m. As noted above, ViaSat is proposing a new fence height of 2.13m with 0.305m of barbed wire on top. An increase of approximately 18% above the allowed maximum fence height plus the addition of 0.305m of barbed wire.

Per Section 91(1) of The Planning Act, ViaSat's proposed variance request meets the four criteria accordingly:

**1. Will it be compatible with the general nature of the surrounding area?**

*The development location abuts a Rail Road Right-of-Way and is located amongst similarly zoned parcels and land uses. Chain-link fencing furnished with barbed wire is currently existing on the development location and on adjacent parcels. ViaSat finds that their proposed request is consistent with this criteria.*

**2. Will it 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 additional increase in fence height is to ensure public safety for surrounding area. Keeping children and other individuals away from the existing satellite will be accomplished through a higher overall fence furnished with barbed wire. ViaSat finds that their proposed request is consistent with this criteria.*

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

*This is an existing Satellite facility with an existing chain-link fence securing only the lease area around the facility itself. ViaSat is requesting the minimum increase in fence height necessary to make the facility safe and secure from vandalism or trespassing. All other fencing in/around the development location will remain the same height. ViaSat finds that their proposed request is consistent with this criteria.*

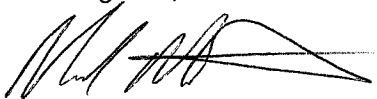
**4. Is it generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law.**

*The proposed request does not require variance from any other by-law within the City of Brandon and ViaSat finds that their proposed request is consistent with this criteria.*

On behalf of ViaSat, we submit that this proposed request meets all four (4) criteria listed and is in accordance with all other by-laws. This proposed request is to ensure public safety by limiting access to the existing satellite facility, further reducing harm or vandalism that may occur.

Thank you for taking the time to read this request. Please contact me with any further questions or concerns.

Best regards,



**Michael Bortz**

*Project Manager*

**NETWORK BUILDING + CONSULTING**

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### Letter of Authorization

Date: 18 Apr 2017

To: City of Brandon  
Planning & Building Safety Department  
421 – 9<sup>th</sup> Street  
Brandon, MB  
R7A 4A9

RE: 1020 20th Street, City of Brandon, Manitoba R7B 1M8 Canada (address or legal description of application)

I (We) hereby give authorization to:

Sang Yi, ViaSat Inc (Applicant's name)

To apply for a development application for the above address.

Registered Owner(s) on the Current Status of Title:

Kelvin Orr

Name (Print)

Name (Signed)

April 19/17

Date

Name (Print)

Name (Signed)

Date

Name (Print)

Name (Signed)

Date

Name (Print)

Name (Signed)

Date