CITY OF BRANDON
UNDER THE PLANNING ACT

VARIANCE ORDER NO: V-08-17-B

Under Section 95 of The Planning Act, The Green Spot Inc. applied to the Planning Commission of the City of Brandon to vary Subsection 69(b), Clause 69(d)(3) and Clause 69(d)(4) to allow for construction of a building addition at 1451 Rosser Avenue East (Block 40, Plan 379) in the A – Agricultural Zone and the Floodplain Overlay Zone.

After careful consideration of the application and any representation made for or against the variation sought by the applicant, the City of Brandon Planning Commission was satisfied that the application:

(a) will be compatible with the general nature of the surrounding area;

(b) 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;

(c) 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

(d) is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law.

The Planning Commission therefore agreed to approve said Variance Application, whereby such approval was granted in accordance with the intent of the application (Attachment A-1), the attached letter of intent (Attachment A-2) and the attached site plan (Attachment B-2), subject to the following condition(s):

a) Removing all materials associated with the subject site from 1515 Rosser Avenue East (Pt. Block 41, Plan 379 BLTO),
b) Consolidating the titles of the subject site and 1329 Rosser Avenue East (Lot 1, Block 2, Plan 27536 BLTO), and
c) Entering into a save harmless agreement with the City of Brandon.

Dated this 21st day of September, A.D. 2017.

This Order shall expire if not acted upon within twelve (12) months of the date of making. The issuance of a building permit for the purposes of constructing the proposed building constitutes acting upon this order.

Pursuant to Section 34 of The Planning Act, a decision may be appealed to City Council by the applicant, any person who made representation at a hearing on the application held by the Planning Commission, or a designated employee or officer of the City of Brandon Planning, Property & Buildings Department. The appeal must be in writing and submitted within 14 days of the date on this order to the City Clerk's Department at 410 9th Street, Brandon, MB R7A 6A2, and identify the contact information and home address of the appellant, the decision being appealed, and the reason(s) for the appeal.

Ryan Nickel, Chief Planner