



## CITY OF BRANDON

### UNDER THE PLANNING ACT

#### VARIANCE ORDER NO: V-02-16-B

Under Section 95 of The Planning Act, Brian Dornn on behalf of Dornn Construction Ltd. applied to the Planning Commission of the City of Brandon to vary *Table 11 of City of Brandon Zoning By-law No. 7124* by decreasing the minimum required interior side yard setback from 3.0m to 1.2m, and to vary subsection 51.1(b) by decreasing the Railway Protection Overlay Zone for dwelling units from 30.0m to 20.0m at 563 – 3<sup>rd</sup> Street (Lots 29/30, Block 79, Plan 8 BLTO) in the RMD Residential Moderate Density 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).

Dated this 5<sup>th</sup> day of March, A.D. 2016.

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 & Building Safety 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 9<sup>th</sup> 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.

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Ryan Nickel, Principal Planner



**CITY OF BRANDON**

**CITY COUNCIL**

**VARIANCE ORDER NO. 01/16**

**Address:** 563 – 3<sup>rd</sup> Street

**Legal Description:** Lots 29/30, Block 79, Plan 8 BLTO

**Applicant:** Brian Dornn, o/b/o Dornn Construction

**Application:** To vary the minimum required side yard setback from 3m to 1.2m and to reduce the minimum required Railway Protection Overlay Zone from 30.0m to 20.0m for the property located at 563 – 3<sup>rd</sup> Street

**Purpose:** To allow for the development of a (4) four-unit multiple dwelling in the RMD Residential Moderate Density Zone

**Decision:** That Variance Application V-02-16-B to vary Table 11 of Zoning By-law No. 7124 by decreasing the minimum required interior side yard setback from 3.0m to 1.2m, and Subsection 51.1(b) of Zoning By-law No. 7124 by decreasing the Railway Protection Overlay Zone for dwelling units from 30.0m to 20.0m, be approved in the RMD Residential Moderate Density Zone at 563 – 3<sup>rd</sup> Street (Lots 29/30, Block 79, Plan 8 BLTO)

**Dated:** May 3, 2016

**This Order shall expire if not acted upon within 12 months of the date of making.**

**H. Ewasiuk, City Clerk**