


<b>TITLE:</b> <p style="text-align: center;"><b>VARIANCE</b>  <b>857 – 7<sup>th</sup> STREET</b>  <b>OWNER: DBC DEVELOPMENTS LTD.</b>  <b>APPLICANT: BRIAN DODDS</b></p>		
<b>PRESENTER:</b> Robert Zilke, BES		<b>Page 1 of 4</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>		
<i>Original Signed by R. Zilke</i> <b>Community Planner</b>	<i>Apr. 13, 2016</i> <b>Date</b>	<i>Original Signed by R. Nickel</i> <b>Principal Planner</b>
		<i>Apr. 13, 2016</i> <b>Date</b>

**REQUEST:**

The applicant and owner, Brian Dodds, is applying to vary Table 10 of the City of Brandon Zoning By-law No. 7124 for property located at 857 – 7<sup>th</sup> Street in the RMD Residential Moderate Density Zone by decreasing the minimum required interior side yard setback from 3.0m to 1.2m. Approval of this application will allow for the development of a front to back bi-level duplex.

**BACKGROUND:**

*Development Context*

The subject site is located near the northeast corner of 7<sup>th</sup> Street and Park Avenue; the site is currently vacant. The immediate surrounding area consists of properties zoned RMD, most of which have been developed as single-family dwellings. A duplex dwelling has been established at 848 7<sup>th</sup> Street, which is located two properties to the north of the subject site.

*History*

The subject site was occupied by a single-family detached dwelling which was demolished in 2014. Prior to the dwelling being demolished, there were multiple complaints from surrounding property owners regarding the dilapidated condition of the property not being maintained.

A similar variance to reduce the required side yard from 3.0m to 1.8m was approved in 2014 in order to construct a one-storey duplex. The development of the duplex was never initiated and the conditional approval order has expired.

**ANALYSIS:**

The intent of the RMD zone is to allow for the development of five (5) or more dwelling units, depending on the size of the property. The size of the subject property is 366m<sup>2</sup>, which allows for a maximum of three (3) dwelling units. The applicant is applying for a variance to reduce the required side yard setbacks of 3m to

1.2m to allow for a duplex to be built. One unit will be orientated to 7<sup>th</sup> Street while the second unit will be orientated to the public lane to the rear of the property. Both units have a direct pedestrian connection to the public sidewalk. Vehicle parking is provided exclusively in the rear yard, and the proposal provides three (3) parking spaces, which will exceed the requirements set forth in Section 22 “Parking and Loading” of the Zoning By-law for two required parking spaces.

***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 proposal is a low rise residential development which is consistent with the residential character of the existing neighbourhood that includes predominantly one-storey single-family detached dwellings. The proposed one-storey building height is also consistent with the one-storey dwelling types in the neighbourhood.

***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 proposal is a low density residential development; the proposed use will generate noise, vibration, dust, lighting, odour or traffic at a level that is commensurate with a RMD zoned area. To ensure preservation of the density and intensity of use with the adjacent neighbours, the applicant proposes to limit the height of the duplex to a single-storey thereby maintaining the single-storey character of the area. Therefore, the proposed duplex development, as proposed, will not likely be detrimental to the surrounding area.

***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 reduction of the minimum required side yard setback from 3.0m to 1.2m for the proposed duplex is the minimum modification of the zoning by-law possible to relieve the injurious effect of the zoning by-law on the applicant’s property. The RMD Zone requires a 3m side yard setback, the 10m width of the existing lot makes the site challenging to develop. The proposed 1.2m side yard setback is consistent with the minimum required setback for a one-storey duplex in the RLD zone.

***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. 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. The application is also supported by policy 2.2.4 regarding provision of various ranges of housing densities with the proposed multi-family development. Furthermore, the residential development, as proposed, meets all setback and exceeds the parking requirements set forth in the Zoning By-law.

***Commenting Agencies***

All comments have been addressed.

***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 the Zoning By-law No. 7124, public outreach by the applicant was not required as the variance requests will not result in the increase in intensity or density that is beyond the allowable limits permitted within the RMD zone of the use of the subject site. 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-06-16-B at 857 7<sup>th</sup> Street be concluded.

That Variance Application V-16-14-B to reduce the minimum required side yard setbacks from 3m to 1.2m for the property located at 857 7<sup>th</sup> Street (Lot 29, Block 54 Plan 8 BLTO) be approved in accordance with the intent of the application “Schedule A- 1”, the attached letter of intent “Schedule A- 3” and the attached site plan “Schedule B-3.”