


<b>TITLE:</b> <p style="text-align: center;"><b>VARIANCE  15 KELSEY BAY  OWNER: SHAWN DAVID LAMB and  BERTHA LOUISE LAMB.  APPLICANT: SHAWN DAVID LAMB</b></p>		
<b>PRESENTER:</b> Samuel van Huizen		<b>Page 1 of 3</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> May 18, 2016	
<b>APPROVALS:</b>		
<i>Original signed by S. van Huizen</i> <b>Community Planner</b>	May 05, 2016 <b>Date</b>	<i>Original signed by R. Nickel</i> <b>Principal Planner</b>
		May 06, 2016 <b>Date</b>

**REQUEST:**

The applicant and owner, Shawn Lamb, is applying to vary Table 10 of the City of Brandon Zoning By-law No. 7124 to decrease the minimum required front yard setback for an accessory building from 7.6m to 4.5m for property located at 15 Kelsey Bay in the RMH Residential Mobile/Modular Home Zone. Approval of this application will allow for the development of a detached garage.

**BACKGROUND:**

***Development Context***

The subject site currently has a mobile home, and is located near the northeast corner of 18<sup>th</sup> Street and Patricia Avenue. The site is surrounded by an undeveloped RHD Residential High Density zoned property to the north and RMH Residential Mobile/Modular Home zoned properties in all other directions. Vehicle access to the site is provided by Kelsey Bay.

***History***

The property, along with other properties in the area was developed as modular housing in 2004. Prior to 2004, the City of Brandon owned the land, and executed a development agreement with Sunridge Homes Ltd. to develop the site as modular homes on separate titles.

**ANALYSIS:**

The intent of the RHD zone is to allow for the placement of mobile or modular homes on spaces within a mobile/modular home park which are sold or leased to the mobile/modular home park owner, within a plan registered in the Brandon Land Titles Office. The applicant is applying for a variance to reduce the required front yard setbacks for an accessory building from 7.6m to 4.5m to allow for the construction of a detached garage.

***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 reduced setback will be consistent with the residential character of the existing neighbourhood. Current minimum setbacks for mobile/modular homes in the RMH zone is 4.5m and several surrounding sites have mobile/modular homes close to the minimum setback. The detached garage would not extend beyond the setback of neighbouring dwellings.

***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 proposed use will generate noise, vibration, dust, lighting, odour, or traffic at a level that is commensurate with an RMH zoned area. Compatibility with surrounding properties will be maintained by proposing a setback which is consistent with other modular homes and accessory buildings in the area. Therefore, the proposed reduced front yard setback, 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 front yard setback from 7.6m to 4.5m for the proposed detached garage 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 RMH Zone requires a 7.6m front yard setback for all accessory uses, but the front yard setback for a modular home on the site is 4.5m. The variance request is necessary because the garage is detached, if the garage was attached to the modular home, the proposed setback would be in compliance with the Zoning By-law. The two neighbouring units to the east and west of the site have modular homes which maintain similar setbacks to the 4.5m minimum front yard setback. Therefore, the proposed location for the detached garage is the minimum modification of the Zoning By-law.

***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 modular home area is located in an area designated "Residential" in the Development Plan. Excepting the front yard setback, the proposed accessory building complies with all other bulk and siting requirements in Table 10 of the Zoning By-law.

***Commenting Agencies***

All comments have been addressed and summarized below.

***Manitoba Hydro***

- A Manitoba Hydro low voltage secondary cable is on the 2.0 meter alignment from the east side site line. The underground cable would need to be located for confirmation of its precise location and may be required to be relocated at the cost of the customer.

***Notification***

As required under section 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***

Since this application does not result in an increase density or intensity of the use public outreach is not required. As of the writing of this report, the Planning & Building Safety Department has not received any written comments in favour of or in opposition to the proposal.

**RECOMMENDATIONS:**

That the Public Hearing for Variance Application V-07-16-B at 15 Kelsey Bay be concluded.

That Variance Application V-07-16-B to amend Table 10 in Section 51 of the Zoning By-law by reducing the minimum front yard setback for an accessory building from 7.6m to 4.5m in the RMH Residential Mobile/Modular Home Zone be approved at 15 Kelsey Bay (Lot 8, Block 1, Plan 42059 BLTO) 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:

- a. The owner or successor, prior to the issuance of a building permit, submitting written confirmation to City of Brandon Planning & Safety Department that the location of the proposed accessory building is acceptable to Manitoba Hydro.