

TITLE: <p style="text-align: center;">VARIANCE 3620 VICTORIA AVENUE OWNER: 5831645 MANITOBA LTD. APPLICANT: BIRCHWOOD AUTMOTIVE GROUP (RENE NICHOLSON)</p>										
PRESENTER: Andrew Mok, BES MCIP		Page 1 of 3								
DEPARTMENT: Planning & Building Safety	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings									
CLEARANCES: Principal Planner	MEETING DATE: June 15, 2016									
APPROVALS: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 25%;"><i>Original signed by A. Mok</i></td> <td style="text-align: center; width: 25%;">May 30, 2016</td> <td style="text-align: center; width: 25%;"><i>Original signed by R. Nickel</i></td> <td style="text-align: center; width: 25%;">May 31, 2016</td> </tr> <tr> <td style="text-align: center;">Community Planner</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Principal Planner</td> <td style="text-align: center;">Date</td> </tr> </table>			<i>Original signed by A. Mok</i>	May 30, 2016	<i>Original signed by R. Nickel</i>	May 31, 2016	Community Planner	Date	Principal Planner	Date
<i>Original signed by A. Mok</i>	May 30, 2016	<i>Original signed by R. Nickel</i>	May 31, 2016							
Community Planner	Date	Principal Planner	Date							

REQUEST:

The applicant, Rene Nicholson of Birchwood Automotive Group, on behalf of the property owner, 5831645 Manitoba Ltd., is applying to vary Table 7, subsection 31(b) of the City of Brandon Zoning By-law No. 7124 to reduce the required setback of a freestanding identification sign from the required 1.5m to 0.5m on the east site line and 1.3m on the north site line for property located at 3620 Victoria Avenue in the CAR Commercial Arterial Zone. Approval of this application will allow for a freestanding sign for the automotive sales business to remain in its current location.

BACKGROUND:

Development Context

The subject site is currently occupied by an automotive sales business, owned by Birchwood Automotive Group, known as Birchwood Nissan Brandon, and is located at the southwest corner of the intersection of Victoria Avenue and 36th Street. The site is surrounded by commercial retail uses to the north across from Victoria Avenue, a hotel to the east across from 36th Street, vacant land to the west which is currently being used for storage of vehicles from the dealership, and low-density residential uses to the south. There are additional commercial uses along the south side of Victoria Avenue further east and west of the subject site. Primary access to the site is provided by 36th Street to the east side of the site. A secondary access is provided by 37th Street to the southwest corner of the site.

History

The subject site was developed as an automotive sales business in 1980. An addition to the building was constructed in 1986, and renovations were completed in 2009, including the installation of new signs on the site. Records from 2009 revealed a non-conforming zoning memorandum due to the existing freestanding identification sign at the northeast corner of the subject site not conforming to the Zoning By-law's setback requirements. The current owners of the business are now seeking to remedy this non-compliance.

ANALYSIS:

The freestanding identification sign consists of a Nissan logo supported by two large columns. The sign is oriented to be best viewed in an east-west direction. The sign structure is located 1.3m from the north (Victoria Avenue) site line and 0.5m from the east (36th Street) site line.

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 general placement and orientation of the existing freestanding identification signs is commensurate with other freestanding signs at existing nearby existing commercial developments along Victoria Avenue. The proposal is therefore compatible with the general nature of the surrounding area.

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 intent of the setback requirements for freestanding signs is to ensure signs do not impede visibility for traveling motorists and pedestrians' views along a street; this is especially critical at intersections where sight obstructions could increase the risk of traffic incidents. Given the existing and future layout of the Victoria Avenue and 36th Street intersection proposed by Manitoba Infrastructure, the current location of the sign will not result in a significant sight obstruction at that intersection. The proposed variance to allow the sign to remain in its current location, therefore, will not be detrimental to the health or general welfare of people living or working in 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 relocation of the existing freestanding sign structure, though possible, will not be practical. Furthermore, the sign's current location does not result in a significant sight obstruction at the Victoria Avenue/36th Street intersection. The proposal therefore is the minimum modification of the Zoning By-law required to relieve its injurious effect on the subject site.

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 Brandon & Area Planning District Development Plan 2013, being a planning policy document, does not speak to signage specifically. Notwithstanding the current variance request, the existing sign complies with all other provisions of the Zoning By-law, including sign height and sign surface area.

Commenting Agencies

No concerns were received from commenting agencies.

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, public outreach is not required of the applicant as the variance request will not result in the increase of intensity or density of the use of the 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-08-16-B at 3620 Victoria Avenue be concluded.

That Variance Application V-08-16-B to vary Table 7 under subsection 31(b) of the Zoning By-law to reduce the required setback of a freestanding identification sign from 1.5m from all site lines to 0.5m from the east site line and 1.3m from the north site line in the CAR Commercial Arterial Zone be approved at 3620 Victoria Avenue (Lots 1/10, Block 3, Plan 260 BLTO, exc. Road Plan 557 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”.