



***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 accessory building is similar in size (total 27m<sup>2</sup>) and placement (to the rear of the dwelling) as other accessory buildings in the 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 proposed building will be seen from Durum Drive; which runs parallel to the side yard of the property. The proposed reduced side yard is to the northern property line along a street, the reduction of the side yard setback from 3.0 meters to 1.2 meters will not likely generate adverse impact on any adjoining property..

***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 intent of a 3.0 meters setback requirement for a corner site is to increase driver visibility on the street, provide room for utilities and increase the distance between buildings and traffic. The boulevard to the north of the site is 9.0m, which is significantly wider than a standard 5.0m boulevard. This additional 4-metre boulevard will provide sufficient visibility despite the reduction of the corner side yard setback request. The request to reduce the distance from 3.0 meters to 1.2 meters is the minimum modification of the zoning by-law required to relieve the injurious effect on the applicant's 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 and Area Planning District Development Plan 2013 provides development guidelines for the Planning District; it does not provide specific development standards like a municipal zoning by-law.. The City of Brandon Zoning By-law allows for the placement of accessory buildings in the rear yards in the RSD zone. Aside from the minimum corner side yard setback requirement, the proposed location is fully contained within the property boundaries and meets all other siting requirements in Table 10 in the zoning by-law for the location and height of an accessory building.

***Commenting Agencies***

All comments have been addressed and summarized below.

***Building Safety Department***

A building permit application containing detailed construction drawings must be submitted and be compliant with the MBC prior to issuance of a Building Permit.

***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 meters (328 feet) of the subject property and notice posters were posted on the property.

***Public Outreach***

The variance application does not result in an increase in density or intensity and, therefore, does not require additional public outreach. As of the writing of this report, the Planning & Building Safety Department has not received to this application

**RECOMMENDATIONS:**

That the Public Hearing for Variance Application V-10-16-B at 1 Parkland Place be concluded.

That Variance Application V-10-16-B to vary Part III, Division I, Section 51, Table 10 of the City of Brandon Zoning By-Law No. 7124 to decrease the minimum side yard setback for an accessory building from 3.0 meters to 1.2 meters on a corner lot in the RSD Residential Single Detached Zone at 1 Parkland Place (Lot 7, Block 1, Plan 23048 BLTO in NW ¼ 10-10-19 WPM) be approved 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”.