

ANALYSIS:

The RSD zone allows primarily for single detached dwelling units. A duplex in the RSD zone require conditional use approval whereby the context of the immediate and surrounding neighbourhood may be considered when evaluating the appropriateness for the use. The design of the building has one unit facing Kirkcaldy and another facing Kasiurak Bay with each unit having separate accesses. The site is located within the diked flood protection area and requires appropriate flood proofing measures. The variance application is requesting to lower the design height for the first floor and grade levels.

CONDITIONAL USE***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 residential use is compatible with the predominant residential character in the area. The density of the use (two units) is compatible with the predominant lower density residential character of the area. The exterior of the building will include two separate driveways, from Kirkcaldy Drive and Kasiurak Bay respectively, and each unit will have sizable front and rear yards that is commensurate to the surrounding residential units.

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 duplex structure will not be detrimental to the health or general welfare of neighbouring residents. The new structure will be of similar design and size as other single detached dwelling units in the surrounding area. All landscaping will be maintained and replaced if necessary.

3. Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law

The proposed development conforms with the Brandon & Area Planning District Development Plan 2013:

- The subject site is within an area identified as “Residential” in Map One: Urban Land Use of the Development Plan (2.2.1);
- Contributes to a range of housing density options in a neighbourhood (Policy 2.2.4); and
- Increases density adjacent to a school, along a transit route and within close proximity to an arterial street (Policy 2.2.5).

The concurrent variance application will address issues surrounding compliance with the City of Brandon Zoning By-law No. 7124.

VARIANCES***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 reduction in required elevation levels of the first floor and finished grade will be consistent with the elevations of dwelling in the surrounding residential area. The proposed development will differ from other residential units by not having a basement. If constructed in accordance with the required

grade, the first floor level and finished grade would be more than a meter above neighbouring residential units; thereby forming an incompatibility to 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 proposed duplex dwelling unit will not be detrimental to the health or general welfare of the surrounding residents. Increased elevation height could cause drainage problems to surrounding properties. The applicant will be able to better demonstrate proper drainage with the building placed at similar elevations to the surrounding dwelling units.

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 design flood level for the diked flood protection area between 18th and 1st Streets is 360.8 metres above sea-level. Between 1st Street and 17th Street East is 360.1 metres. The proposed first floor height and finished grade levels are 360.4 meters and 360.1 meters respectfully. The subject site is in closer proximity to 1st Street and it may be considered closer to the average required build height for the diked protection zone east of 1st Street. The site does not include a basement and all other aspects of the design comply with the zoning by-law. Therefore, the proposed variances are a minimum modification of a zoning by-law required to relieve the injurious effect on the applicant's property.

4. *Is generally consistent with the applicable provision of the development plan by-law, the zoning by-law and any secondary plan by-law*

The proposed development conforms to the following Development Plan policies:

- The development plan limits the intensity of development within flood prone areas and directs any development to be within diked areas (1.1.5);
- The subject site is within an area identified as "Residential" in Map One: Urban Land Use of the Development Plan (2.2.1);
- The surrounding residential area already consists of a mix of detached dwellings and multiple dwellings (2.2.2); and
- Introducing higher density and alternative housing types in the existing area will encourage a mix of income levels and cater to the affordable housing demand (2.2.3).

The proposed development complies with all other applicable provisions of the Zoning By-law. The proposed first floor elevation and design of the building keeps with the established character of the area through build height and location of entrances, windows and architectural features.

Commenting Agencies

All comments have been addressed and summarized below.

Brandon Public School Division

A cash-in-lieu of land dedication to construct a duplex dwelling in the RSD Residential Single Detached zone would be required as a condition of approval.

City of Brandon

The owner of the property will be required to enter into a Save Harmless Agreement with the City of Brandon. A site plan drawing indicating site servicing and drainage plan will be required at the building permit phase of the project.

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, the applicant went door-to-door to residents on Kirkcaldy Drive, Kasiurak Bay and 3rd Street North on the 15th and 17th of August and gave an overview of the proposed application. In total, 20 residences were visited with 17 answering the door and providing general support for the duplex dwelling development and no direct opposition was received. As of the writing of this report, the Planning & Building Safety Department has not received representation in favour of nor in opposition to this application.

RECOMMENDATIONS:

That the Public Hearing for the following applications V-16-16-B and C-08-16-B at 308 Kirkcaldy Drive be concluded.

Conditional Use

That Conditional Use Application C-08-16-B to allow a duplex dwelling in the RSD zone be approved at 308 Kirkcaldy Drive 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 the owner or successor prior to the issuance of a building permit:

- a. Submitting written confirmation to the City of Brandon that the Brandon School Division has received a cash-in-lieu contribution for school purposes; and
- b. Submitting \$401.50 to the City of Brandon Planning & Building Safety Department as a cash-in-lieu contribution for public reserve purposes.

Variance

That Variance Application V-16-16-B to vary Part III, Division VII, Clause 69.(d)(3) to allow a first floor elevation below the design flood level; and too vary Part III, Division VII, Clause 69.(d)(4) to allow a finished grade elevation below the design flood level be approved at 308 Kirkcaldy Drive 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 the owner or successor prior to the issuance of a building permit:

- a. Signing a Save Harmless Agreement with the City of Brandon.