


TITLE: PUBLIC HEARING VARIANCE 1340 PACIFIC AVENUE OWNER: ARMY, NAVY, AIR FORCE VETERANS APPLICANT: PATTISON OUTDOOR ADVERTISING			
PRESENTER: Ryan Nickel		Page 1 of 2	
DEPARTMENT: Planning, Property & Buildings		ATTACHMENTS: A. Supplementary report – planning recommendation B. Planning commission minutes (Oct 19) C. Report to Planning Commission (Oct 19) D. Public hearing minutes (Sept 21) E. Report to Planning Commission (Sept 21) F. Application form and letter of intent G. Site and elevation plans	
CLEARANCES: Chief Planner		DATE: October 26, 2016	
APPROVALS:			
Director of Planning, Property & Buildings		Date	
		City Manager	
		Date	

REQUEST:

The applicant, Eric Seniuk of Pattison Outdoor Advertising, on behalf of the property owner, Army, Navy, Air Force Veterans in Canada – Unit no. 10, is applying to vary Table 7 of Part II, Division, IV, Section 31 of the City of Brandon Zoning By-law No. 7124 to permit a free-standing advertising sign for property located at 1340 Pacific Avenue in the HMU HUB Mixed Use zone. Approval of this application will allow for the replacement and enlargement of a legally non-conforming free-standing advertising sign.

DISCUSSION:

Planning Commission – September 21st

The Planning Commission held a public hearing for this application on September 21st. The Planning, Property & Buildings Department’s analysis of the application is attached as “Attachment C”. Minutes of the public hearing are attached as “Attachment D”.

Following the conclusion of the public hearing:

- the Planning Commission put forward a motion to approve the application (tie vote, motion was lost)
- the Planning Commission passed a resolution to refer the decision on the application to the October 19 meeting (the intent was to have five commissioners vote at the next meeting and break the tie).

Planning Commission – October 19th

- The Planning Commission received confirmation from the City Clerk that only commissioners who attended the original public hearing could vote on the application.
- The Planning Commission passed a resolution to refer the decision to City Council.

New Public Hearing Due to Appeal

Pursuant to Section 35(5) of The Planning Act, City Council must hold a new public hearing when an appeal to the Planning Commission's decision is lodged to the City within 14 days of the decision. City Council may make any decision with respect to the application under appeal that could have been made by the Planning Commission. City Council therefore has the following options:

1. Reject the application;
2. Approve the application; or
3. Approve the application, with or without conditions.

In accordance with Section 109(1) of The Planning Act, City Council's decision is final.