


TITLE: VARIANCE 1523 RUSSELL STREET OWNER/APPLICANT: MARTY KAUK										
PRESENTER: Samuel van Huizen, BES		Page 1 of 3								
DEPARTMENT: Planning, Property & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings									
CLEARANCES: Principal Planner	MEETING DATE: 19 October 2016									
APPROVALS:										
<table border="0" style="width: 100%;"> <tr> <td style="text-align: center;"><i>Original signed by S. van Huizen</i></td> <td style="text-align: center;">October 11, 2016</td> <td style="text-align: center;"><i>Original signed by R. Nickel</i></td> <td style="text-align: center;">October 13, 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 S. van Huizen</i>	October 11, 2016	<i>Original signed by R. Nickel</i>	October 13, 2016	Community Planner	Date	Principal Planner	Date
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REQUEST:

The applicant and owner, Marty Kauk, is applying to vary Table 16 in Section 62 of the City of Brandon Zoning By-law No. 7124 to reduce the required minimum rear yard setback from 1.5 metres to 0.6 metres for property located at 1523 Russell Street in the IR Industrial Restricted Zone. Approval of this application will allow for the expansion of a workshop for an electrical contracting business.

BACKGROUND:

Development Context

The site is located at the mid-block on Russell Street just south of Richmond Avenue East. An electrical contracting company operates their office space and workshop in the main building located on the northern site line. The site is surrounded primarily by commercial zoning to the west and Industrial Restricted zones to the east. Zenith Paving (zoned development reserve) is located to the south of the site. Vehicular access to the site is provided along the western site line by Russell Street that connects to Richmond Avenue East just north of the site.

History

The portion of Russell Street south of Richmond Avenue East is not developed to an urban standard. There is no water or sewer access adjacent to the property and the street is gravel. The previous site owner operated a construction business and utilized the building for a workshop and office space. The applicant operates a business of a similar nature.

ANALYSIS:

The applicant has applied to expand the current workshop by proposing an addition on the easterly portion of the building. A concrete pad exists where the addition will be constructed. The overall size of the expansion will add 42.8m² of floor space bringing the total building footprint to 255.8m². No improvements to the site are planned in conjunction with this variance application.

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 building addition will accommodate a use (workshop) which is compatible with the general character of the surrounding industrial uses. The expanded workshop complies with the limiting distance separation requirements to adjacent buildings on neighbouring sites.

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 decreased rear setback is not detrimental to the general welfare of the area. The only property directly impacted by the decreased setback is located to the east of the site and is separated from the site by an undeveloped public lane. The total separation between the proposed addition and the existing building on the adjacent property is approximately 6.6m.

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 lot is 36m deep which is shallow for an IR zoned property. Allowing an addition with a reduced setback adjacent to an undeveloped lane relieves the injurious impact on the applicant's property and is the minimum modification to 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

Section 4.1.1 allows for the Industrial Restricted zone to be located adjacent to residential zones. The intent of the IR zone is to allow for industrial operations that take place entirely within an enclosed structure. The decreased rear yard setback will allow for the expansion of the enclosed structure; allowing compliance with the zoning by-law. All other siting requirements for the proposed addition are in compliance with the zoning by-law.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

Due to the safety and liability issues (City and utilities), all items, including fencing, that is stored in the public lane shall be relocated within the owner's property lines. The opportunity does exist for the owners of 1523 Russell and 1522 Frederick to apply to close and purchase the lane from the City of Brandon.

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

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-20-16-B at 1523 Russell Street be concluded.

That Variance Application V-20-16-B to vary Table 16 in Section 62 of the City of Brandon Zoning By-law No. 7124 to reduce the required minimum rear yard setback from 1.5 metres to 0.6 metres in the IR Industrial Restricted Zone be approved at 1523 Russell Street (Lots 11/17, Block 3, Plan 278 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. Prior to the issuance of a building permit, the applicant provides visual confirmation (photos) to the Planning, Property and Building Department that the fence and all other items stored in the public laneway are removed.