


<b>TITLE:</b> <b>CONDITIONAL USE; VARIANCE</b> <b>1054, 1056 &amp; 1058 7<sup>th</sup> STREET</b> <b>OWNER/APPLICANT: 7301791 MANITOBA LTD</b>		
<b>MEETING DATE:</b> March 7, 2018		<b>Page 1 of 5</b>
<b>DEPARTMENT:</b> Planning, Property & Buildings	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Community Participation Report D. Letter of Objection	
<b>PRESENTER:</b> <i>Original signed by S. Li</i> Shengxu Li	<b>MANAGER:</b> <i>Original signed by R. Nickel</i> Ryan Nickel	

**RECOMMENDATIONS:**

That the combined Public Hearing for Conditional Use Application C-02-18-B and Variance Application V-02-18-B at 1054, 1056 & 1058 7<sup>th</sup> Street be concluded.

***Conditional Use***

That Conditional Use Application C-02-18-B to allow for the development of detached suites in the Residential Low Density (RLD) Zone be approved at 1054, 1056 & 1058 7<sup>th</sup> Street (Lots 3/5, Block 34, Plan 7 BLTO) in accordance with the intent of the application “Attachment A-1”, the letter of intent “Attachment A-3” and the site plan “Attachment B-2” and, subject to:

1. The owner or successor, prior to the issuance of a building permit for the detached suites, submitting written confirmation to the City of Brandon Planning, Property & Buildings Department that the Brandon School Division has received \$607.50 as a cash in lieu contribution for school purposes

***Variance***

That Variance Application V-02-18-B to vary Section 35(f)(8) of the Zoning By-law by reducing the minimum site area containing a detached suite from 367.0m<sup>2</sup> to 278m<sup>2</sup> to allow for the development of detached suites in the Residential Low Density (RLD) Zone be approved at 1054, 1056 & 1058 7<sup>th</sup> Street (Lots 3/5, Block 34, Plan 7 BLTO) in accordance with the intent of the application “Attachment A-2”, the letter of intent “Attachment A-3” and the site plan “Attachment B-2”.

**BACKGROUND:*****Request***

The applicant, 7301791 Manitoba Ltd., is applying for the following to allow for the development of detached suites for a property located at 1054, 1056 & 1058 7<sup>th</sup> Street in the Residential Low Density (RLD) Zone:

- Conditional use – to allow for the development of detached suites in the RLD Zone
- Variance – to vary Section 35(f)(8) of the Zoning By-law 7124 (Zoning By-law) by reducing the minimum site area containing a detached suite from 367m<sup>2</sup> to 278m<sup>2</sup> in the RLD Zone

***Development Context***

Three single detached dwellings are under construction on the sites located on the 1000 block of 7<sup>th</sup> Street, near the corner of 7<sup>th</sup> Street and Brandon Avenue. The surrounding area is mostly single detached homes with a mixture of other low-density residential uses including:

- 1062 7<sup>th</sup> Street: Duplex directly south of sites
- 1009 7<sup>th</sup> Street: Fourplex at northeast corner of block
- 1024 7<sup>th</sup> Street: Fourplex midblock

Vehicle access to the three sites is provided by the rear lane.

***History***

The site was divided into three 7.6m wide lots following the demolition of a detached dwelling in the summer of 2017.

**ANALYSIS:**

The applicant proposes to construct detached suites on each of the three lots. The one storey detached suites are 39m<sup>2</sup> with one bedroom. Two parking spaces will be provided off the back lane (one each for the detached dwelling and the suite).

***Conditional Use******Consistency with Part 7, Section 106(1)(b) of The Planning Act and Demonstration that the Use:******1. Will be compatible with the general nature of the surrounding area;***

The sites are located in a neighbourhood that includes a mixture of residential low-density unit types (detached dwellings, duplexes, fourplexes). The rear lane access to the sites is consistent with other sites in the area and the small size (39m<sup>2</sup>) and height (one storey) of the suites is compatible with the general nature of 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 detached suites are located and designed to reduce any detrimental impacts on neighboring property owners including:

- Building height – The one storey height reduces privacy concerns and limits any sunlight obstructions
- Building size – The size of the detached suites is 39m<sup>2</sup> which is similar to a detached garage.
- Parking – Two parking stalls are provided for each site to accommodate on-site parking
- Drainage – A drainage plan with pre and post calculations will be required for any development permit submission

**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 to the following policies in the Brandon & Area Planning District Development Plan (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);
- 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 all other requirements in the Zoning By-law, except for minimum site area:

- The proposed site area for each lot is 278m<sup>2</sup>, which is smaller than required 367m<sup>2</sup> for a site containing a detached suite

The applicant has concurrently applied for variance to address the non-compliance. Analysis is provided under the variance portion of this report

**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;**

See conditional use analysis

- 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;**

See conditional use analysis

- 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 minimum site area of 367m<sup>2</sup> is required to ensure a property is a certain size to accommodate a primary dwelling and a detached suite. This application proposes a smaller dwelling (75m<sup>2</sup>) and suite (39m<sup>2</sup>) to justify a detached suite on a reduced property size and relieve the injurious impact of 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**

See conditional use analysis

#### ***Commenting Agencies***

All comments have been addressed and summarized below.

#### ***City Department***

- As per the Adequate Public Facilities By-Law 7099, the applicant is to provide the City with pre and post developments drainage calculations.
- The Developer/Property owner will be required to work with the Property Section to establish civic addressing for all units proposed.

#### ***Brandon School Division***

- A cash-in lieu contribution of \$607.50 for three properties (\$202.50 for each property) for school purposes is required for the development of three detached suites.

#### **LEGISLATIVE REQUIREMENTS:**

#### ***Notification***

In accordance with Section 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 site and notice posters were posted on the site.

***Public Outreach***

In accordance with Section 13 of the Zoning By-law, the applicant has sent written notifications to neighbouring residents to inform them of the proposed conditional use and variance. There are no concerns or comments received by the applicant at the time the community participation report was submitted to the Planning, Property & Buildings Department. As of the writing of this report, the Planning, Property & Buildings Department has received one written representation in opposition to this application.