


TITLE: <p style="text-align: center;">VARIANCE 202 ROSSER AVENUE EAST OWNER: PRO-FIT RENOVATIONS AND PROPERTY MANAGEMENT LTD. APPLICANT: GEOFF GREGOIRE</p>		
MEETING DATE: July 18, 2018		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Public participation report	
PRESENTER: Andrew Mok, BES MCIP RPP	MANAGER: Ryan Nickel, Chief Planner	

RECOMMENDATIONS:

That Variance Application V-06-18-B to vary Table 10 under Section 51 of the Zoning By-law by decreasing the required reverse corner side yard from 4.6m to 3.0m to allow for the construction of a four-unit multiple dwelling in the Residential Low Density (RLD) Zone be approved at 202 Rosser Avenue East (Lots 19/20, Block 26, Plan 4 BLTO) in accordance with the intent of the application “Attachment A-1” and the site plan “Attachment B-2”.

BACKGROUND:

Request

The applicant, Geoff Gregoire of Pro-Fit Renovations and Property Management Ltd., is applying to vary Table 10 under Section 51 of the City of Brandon Zoning By-law No. 7124 to decrease the required reverse corner side yard from 4.6m to 3.0m for a site located at 202 Rosser Avenue East in the Residential Low Density (RLD) Zone. Approval of this application will allow for the construction of a four-unit multiple dwelling.

Development Context

The site is currently vacant and is located on the southeast corner of Rosser Avenue East and Russell Street. The site slopes downward to Rosser Avenue East, and there is an existing house on 206 Rosser Avenue East that encroaches into the east side of this site. Uses surrounding the site include low-density residential to the north, east, south, and west, and a public greenspace to the northwest. Rosser Avenue East, Russell Street, and a lane along the south side of the site provide access to the site.

History

A house existed on the site that encroached into the Russell Street right-of-way on the west side of the site. The City of Brandon issued a permit to demolish this house in March 2018.

ANALYSIS:

The applicant is proposing to construct a four-unit multiple dwelling on this site with parking accessed from the rear lane on the south side of the site. The applicant is shifting the building west to provide a greater setback on the east side to accommodate the existing encroaching house on 206 Rosser Avenue East and to manage drainage.

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 reverse corner sites in the surrounding area have varying setbacks from side streets due to the period in which they were constructed. Some of those sites have minimal setbacks, but they do not encroach into the side street rights-of-way. The proposed reverse corner side yard reduction will be compatible with the general nature of 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 reverse corner side yard reduction will still provide sufficient setback from the Rosser Avenue East and Russell Street for traffic visibility around the corner at the intersection. The proposal will not have any detrimental effects to the surrounding area.

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 existing house on 206 Rosser Avenue East encroaching the east site line of this site presents a challenge to the applicant. Construction of the building in compliance with current setback standards is possible, but the applicant must have a civil engineer verify the construction does not structurally compromise the existing house. Shifting the proposed building to the west will minimize the risk of structurally compromising the existing house. The proposal is the minimum modification of the Zoning By-law required to relieve its injurious effect on the applicant's property.

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

Brandon & Area Planning District Development Plan 2013

- Area designated “Residential”
- Proposal maintains residential use that previously existed on the site

City of Brandon Zoning By-law

- Four units permitted on (reverse) corner sites in the RLD Zone
- Proposed building has otherwise compliant setbacks on all other sides, and compliant on-site parking requirements
- Reduced reverse corner side yard still allows for site improvements required under the Urban & Landscape Design Standards

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

- Owner of the site may enter into an encroachment agreement with the owner of 206 Rosser Avenue East to address the encroachment of the existing house into the east side of the site
- Owner or developer of the site must work with the City of Brandon to establish new civic addresses for the dwelling units

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 dropped off information packages in mailboxes of properties in the surrounding area on June 1, 2018. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.