


TITLE: VARIANCE 402-10TH STREET OWNER: VASILARAKIS HOLDINGS LTD. APPLICANT: KELLER DEVELOPMENTS		
MEETING DATE: July 18 th , 2018		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Shengxu Li, Community Planner	MANAGER: Ryan Nickel, Chief Planner	

RECOMMENDATIONS:

That Variance Application V-09-18-B to vary Section 59, Table 14 of the Zoning By-law by decreasing the building height from two (2) storeys to one (1) storey in the HUB Mixed Use (HMU) Zone be approved at 402-10th Street (Lots 9/10, Block 10, Plan 2 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” and elevation plans “Attachment B-3,4,5 & 6”

BACKGROUND:

Request

The applicant, Even Keller of Keller Developments, on behalf of the property owner, Vasilarakis Holdings Ltd., is applying to vary Section 59, Table 14 of the City of Brandon Zoning By-law No. 7124 to decrease the building height from two (2) storeys to one (1) storey for property located at 402-10th Street in the HMU Zone. Approval of this application will allow for the development of commercial building on the subject site.

Development Context

The site is currently vacant, and is located on the corner of 10th Street and Louise Avenue. Uses surrounding the site include commercial developments to the south and north that across the Louise Avenue, parking lot to the east that cross 10th Street, and residential development to the west across the public lane. The public lane provides vehicle access to the site.

History

Three commercial buildings were previously occupied on the sites, two buildings were destroyed by fire in 2014 and the other was damaged and demolished later.

ANALYSIS:

The applicant proposes to build a one storey, 400 square metre commercial building fronting 10th Street with parking to the rear of the building adjacent to the rear lane.

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 commercial buildings in the surrounding area are mostly one storey buildings, except for two established buildings to the south. The proposed building is compatible with 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 commercial use is consistent with the commercial uses in the surrounding area and the new investment and redevelopment will have a positive impact on surrounding properties and uses.

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 intent of the two storey minimum height in the HMU Zone is to provide greater density of intensity of uses downtown, and particularly upper storey residential to support the retail businesses, HUB Entertainment and Shopping (HES) Zone area. The site is located at southern edge of HMU Zone with multiple one storey buildings in the area. Although a two storey building is not injurious to the property, the applicant is proposing design (one storey) which is compatible with the context of the area.

4. 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 Brandon & Area Planning District Development Plan 2013:

- The subject site is within an area identified as “The HUB” in Map 1: Urban Land Use of Development Plan;
- To encourage a mix of uses including residential, commercial, institutional, and park uses, at appropriate locations (7.1 b)

The proposed development conforms to policies of City of Brandon the HUB Secondary Plan By-law No. 7010:

- Parking: On-site parking is located behind the building

- Glazing on facades: A minimum 50% glazing on facades of building to achieve visual transparency
- Building coverage: 100% building coverage on front yard to maximize the space and define the streetscape
- Weather protection for pedestrian: Canopy on the entrance is proposed to provide weather protection for pedestrians

The proposed development complies all other applicable requirements in the Zoning By-law.

Commenting Agencies

All comments have been addressed and summarized below.

City Department

The applicant shall restore the existing access in the boulevard to the City's standard, by removing the approach, continuing the curbing and adding sod.

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, no additional public outreach effort is required, as the variance to the zoning by-law is not resulting in the increase of intensity or density of the use of the site. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.