


TITLE: VARIANCE V-06-20 4110 VICTORIA AVENUE OWNER: 6864598 MANITOBA LTD. APPLICANT: KATE MCKENZIE		
MEETING DATE: July 15, 2020		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Community participation report D. Development review group report	
PRESENTER: Shengxu Li, Community Planner	MANAGER: Ryan Nickel, Chief Planner	

RECOMMENDATIONS:

That Variance Application V-06-20 to vary Table 12 of the Zoning By-law to increase the building height from 11.0m or 2.5 storeys to 15.0m or 4.0 storeys in the Commercial Arterial (CAR) Zone be approved at 4110 Victoria Avenue (Parcels D, E, F, G, Plan 59688 BLTO) in accordance with the attached letter of intent "Attachment A-1 and A-2", the attached site plan "Attachment B-2", and elevation plan "Attachment B-3", subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

1. The Developer agrees that, prior the issuance of a development permit, to provide an updated site plan identifying shared access with the property located to the northeast at 4130 Victoria and an internal sidewalk connection from the buildings entrance to the public sidewalk along 42nd Street. The accepted site plan shall form a schedule to the development agreement.
2. The Developer agrees to endeavour to enter into a Conforming Construction Agreement with property owner of 4130 Victoria Avenue. The Developer agrees to pursue and obtain all required signature(s) of the agreement with the property owner of 4130 Victoria Avenue. This agreement is to be registered on all affected titles. If a Conforming Construction Agreement cannot be obtained, the Developer agrees to allow shared access in perpetuity with the property located to the northeast at 4130 Victoria.
3. The Developer agrees to design and construct a sidewalk for the entire length of the property along 42nd Street. The design of all work proposed in the right-of-way is subject to review and acceptance of the City Engineer prior to the issuance of a development permit, and shall be performed as stated in the latest edition of the City of Brandon's Standard Construction Specifications.

BACKGROUND:***Request***

The applicant, Kate McKenzie of Keller Developments Ltd., on behalf of the property owner, 6864598 Manitoba Ltd., is applying for a Variance to increase the building height from 11.0m or 2.5m to 15m or 4.0 at 4110 Victoria Avenue in the Commercial Arterial (CAR) Zone:

Development Context

The site is currently vacant, and is located on the southeast corner of the intersection of 42nd Street and Victoria Avenue. Uses surrounding the site include moderate density residential development to the south, detached dwellings to the north across Victoria Avenue, a storage rental facility to the east, and agricultural land to the west. 42nd Street provides access to the site.

History

The site was originally part of a development proposal of a multiple dwelling development at 4151 McTavish Avenue (formerly 507 – 42nd Street). When 507 – 42nd Street was rezoned from CAR to Residential Moderate Density (RMD) in 2013, the applicant retained the CAR Zone on the 4110 Victoria Avenue site for mixed use development.

ANALYSIS:

Approval of the variance application will allow for the development of a four-storey mixed use building with commercial rental units on the ground storey and residential units on the upper storey. The parking spaces are located to the east and west side of the building, as well as along the southern site line. The site will provide access for the neighbouring property at 4130 - 42nd Street to 42nd Street.

1. Will be compatible with the general nature of the surrounding area;

Though the proposed building will be the tallest one in the area, there are three-storey buildings with similar or greater building mass in proximity to the site, such as those at 148 Governors Road, 4525 Victoria Avenue, and 4151 – 42nd Street. Considering the location of the site and the other three-storey buildings along or in close proximity to an arterial road, the proposed increase in building height is compatible with the general nature of 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;

Due to the location of the subject site and the existing uses in the adjacent area, the only site to be directly impacted by the increased height is 4151 – 42nd Street. Since there is a

significant distance (approximately 30m) to the nearest building on 4151 - 42nd Street, the proposal will not likely generate 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*

Though limiting the building height to 11.0m or 2.5 storeys does not impose an injurious effect on the subject site, increasing the building height helps facilitate this mixed-use development by increasing the density and building mass, promoting a diversity of “urban fabric” in the city in accordance with the Development Plan.

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 and Area Planning District Development Plan 2013

The proposal conforms to the following policies of the Development Plan:

- Policy 3.2.1—the subject site is within an area identified as “Commercial” in Map One: Urban Land Use of the Development Plan
 - The intent of this policy is to ensure that commercial developments are located in appropriate areas of the City
- Policy 3.2.8—residential uses may be allowed within Commercial designated areas, provided suitable measures are taken to protect residents from any potential hazards in the building or adjacent buildings
 - The intent of this policy is to encourage mixed use development and provide compatible residential uses in commercial area
 - The proposed commercial component in this development is intended for general commercial uses, unlikely to pose hazards to residents in same building

City of Brandon Zoning By-law

The proposal meet other applicable provisions in the City’s Zoning By-law in terms of setbacks and parking requirements.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

The City of Brandon advises that a development agreement is required, with conditions as identified in the “Recommendations” section and Attachment D of this report to be approved by the Planning Commission.

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 mailed the public outreach package to all addresses of non-resident property owners, and did a door-to-door visit to provide the packages to residents within 100m 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.