



## CITY OF BRANDON

### UNDER THE PLANNING ACT

#### VARIANCE ORDER NO: V-08-20

Under Section 95 of The Planning Act, Daniel MacGibbon, on behalf of Foresight Real Estate Ltd., applied to the Planning Commission of the City of Brandon to vary Table 10 of City of Brandon Zoning By-law No. 7124 by decreasing the required rear yard from 6.0m to 3.0m, the required front yard from 3.0m to 1.5m, and the required corner side yard from 3.0m to 1.5m, and to vary Table 2 of City of Brandon Zoning By-law No. 7124 by decreasing the distance from a stairway to an interior site line from 0.6m to 0.4m, for a mixed-use building at 602 18<sup>th</sup> Street (Lots 38/40, Block 16, Plan 720 BLTO) in the Commercial Arterial (CAR) Zone.

After careful consideration of the application and any representation made for or against the variation sought by the applicant, the City of Brandon Planning Commission was satisfied that the application:

- (a) will be compatible with the general nature of the surrounding area;
- (b) 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;
- (c) 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
- (d) is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law.

The Planning Commission therefore agreed to approve said Variance Application, whereby such approval was granted in accordance with the attached letter of intent (Attachment A-2) and the attached site plan (Attachment B-5) and elevation plan (Attachment B-2, B-3, & B-4), subject to the owner or successor entering into a development agreement with the following conditions:

- a) The Developer agrees to construct and formalize the back lane approach within the right-of-way of McTavish Avenue as per the City of Brandon Standard Construction Specifications.
- b) The Developer agrees to remove the existing asphalt walkway located along the south side of McTavish Avenue for the length of the property. The Developer further agrees to design and construct a 1.8m concrete sidewalk which shall be pinned to the existing curb and to install sod within the remainder of the boulevard as per the City of Brandon Standard Construction Specifications.
- c) The Developer agrees to remove the sidewalk ramp on the southwest corner of the 18<sup>th</sup> Street and McTavish Avenue intersection and to restore the curb as per the City of Brandon Standard Construction Specifications.
- d) The Developer agrees to disconnect and remove any existing services to the property that they will not be utilizing for the development. All work performed in the right-of-way shall conform to the City of Brandon Standard Construction Specifications.
- e) The applicant will be responsible to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work proposed within the right-of-way. The cost estimate is subject to review and approval by the City Engineer.

- f) The applicant will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate.

And that Administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts.

Dated this 16<sup>th</sup> day of July , A.D. 2020.

This Order shall expire if not acted upon within twelve (12) months of the date of making. The issuance of a building permit for the purposes of constructing the proposed building constitutes acting upon this order.

Pursuant to Section 34 of The Planning Act, a decision may be appealed to City Council by the applicant, any person who made representation at a hearing on the application held by the Planning Commission, or a designated employee or officer of the City of Brandon Planning & Buildings Department. The appeal must be in writing and submitted within 14 days of the date on this order to the City Clerk's Department at 410 9<sup>th</sup> Street, Brandon, MB R7A 6A2, and identify the contact information and home address of the appellant, the decision being appealed, and the reason(s) for the appeal.

A handwritten signature in black ink, reading "Amber Chapil", is written over a horizontal line.

Amber Chapil, Planning Commission Clerk

City of Brandon Planning & Building Department

RE: 602 18<sup>th</sup> St. Letter of Intent

We are proposing to build a new multi use development at 602 18<sup>th</sup> St in Brandon Manitoba (38/40-16-720). The intent is to demolish the existing 2 buildings and build one new 2 story building with 200m<sup>2</sup> of main floor commercial and 9 51m<sup>2</sup> 1 bedroom residential units on the second story. For the construction of our proposed building we are requesting the following variances:

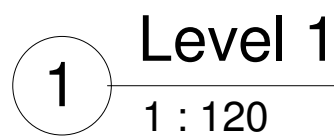
1. Reduce the minimum front yard from 3.0m to 1.5m
2. Reduce the minimum corner yard from 3.0m to 1.5m
3. Reduce the minimum rear yard from 6.0m to 3.0m
4. Reduce the minimum from a stair to the property line from 0.6m to 0.4m

602 18<sup>th</sup> St location makes it ideal for a mixed-use development. It is a corner lot with influences from the residential neighbourhood behind it, commercial across and adjacent to it, and close proximity to the Ear Oxford School. Best efforts were made to explore the reuse of the existing buildings for our clients purpose, but research and exploration have determined the existing brick building is already contrary to the Brandon Building By-Law and provided no means for Accessible use of the commercial space to those with motor disabilities (wheel chair access etc). The single family house on the property was also not worth renovating as its potential use does not align with the commercial nature of the rest of the buildings on the block.

The proposed two story development will locate all required parking onsite for both the residential and commercial components. The requested variances are the minimum required modifications to the zoning by-law to build a new building that can service the area and be an asset to the building owner.

A handwritten signature in black ink, appearing to read 'Daniel MacGibbon', is written over a horizontal line.

Daniel MacGibbon (Applicant)





**Articulated Design Union**

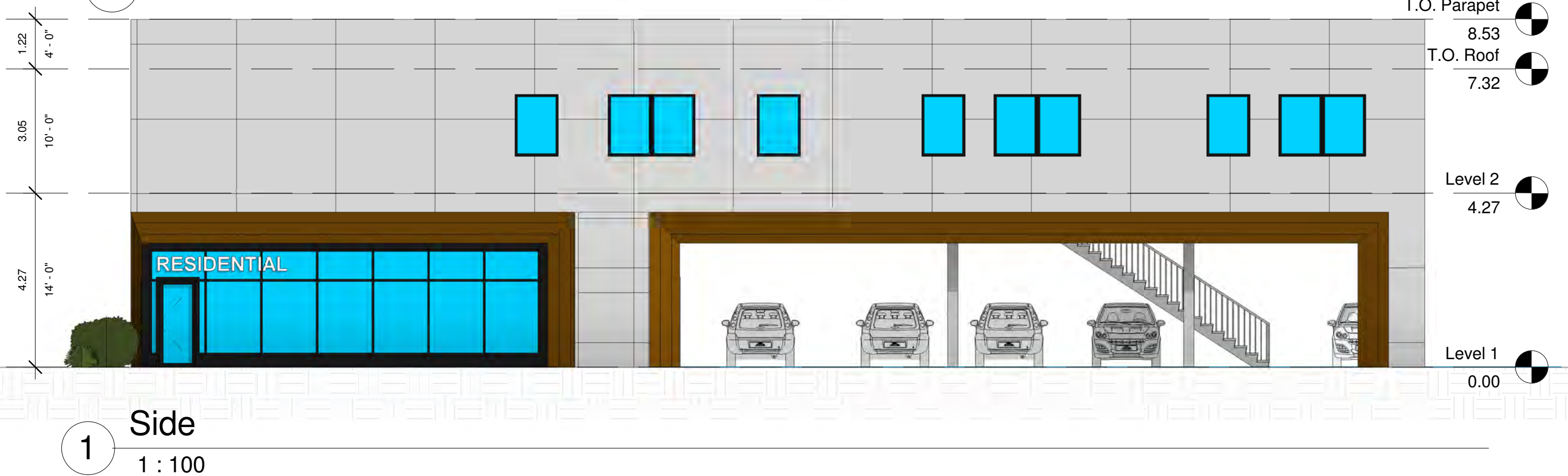
673 Mulvey Ave Winnipeg, MB. R3M 1G2  
Phone: (204) 284-6911  
email: info@designunion.ca

Project Address:	602 18th St. Brandon
38/40-16-720	
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2 Side



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673 Mulvey Ave Winnipeg, MB. R3M 1G2  
Phone: (204) 284-6911  
email: info@designunion.ca

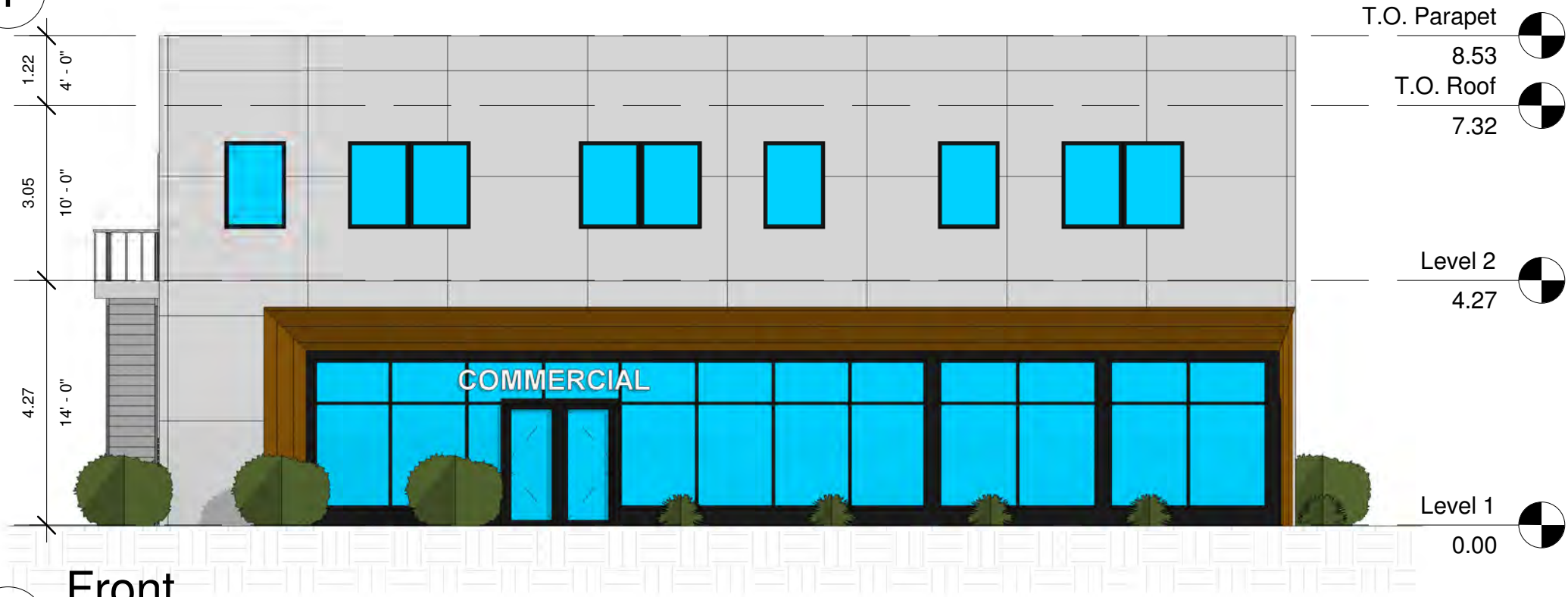
McTavish Ave.	Drawn by:	Author
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Front

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John Bracken Hwy.	Project Address:
602 18th St. Brandon	38/40-16-720



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