

TITLE: <p style="text-align: center;">EXTENSION—VARIANCE 602 – 18TH STREET OWNER: FORESIGHT REAL ESTATE LTD. APPLICANT: DANIEL MACGIBBON</p>		
MEETING DATE: July 21, 2021		Page 1 of 2
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Extension request letter B. Original Variance Order C. Original public hearing report	
PRESENTER: Shengxu Li, Community Planner	MANAGER: Andrew Mok, for Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

That the approval deadline of Variance Order V-08-20 be extended to July 31, 2022.

BACKGROUND:

The applicant, Daniel MacGibbon, on behalf of the property owner, Foresight Real Estate Ltd., is requesting a deadline extension to Variance Order V-08-20 to vary the following for a mixed-use building at 602 – 18th Street in the Commercial Arterial (CAR) Zone:

- 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
- 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

ANALYSIS:

Due to the COVID-19 pandemic as well as the volatility of the construction material costs, the applicant is unable to complete all the necessary design works to apply for the development permit (Attachment A). The applicant is currently finalizing the construction drawings and will be ready to apply for the permits once the design updates are complete.

Variance Order V-08-20 originally was to expire on July 16, 2021. However, due to the COVID-19 pandemic, the Government of Manitoba issued successive emergency orders that allowed the deadline to be extended to July 31, 2021 as of the writing of this report (see the next report section “Legislative Requirements”).

LEGISLATIVE REQUIREMENTS:

Subsection 101(1) of The Planning Act states that variance orders expire and cease to have any effect if not acted upon within 12 months of the date of the decision. However, Subsection 101(2) of The Planning Act allows the Planning Commission to extend the deadline under for an additional period not longer than 12 months if an application is received before the original deadline. The Planning & Buildings Department received the request prior to the original deadline.

Further, in light of the ongoing COVID-19 pandemic, subsequent Orders in Council under The Emergency Measures Act, with Order in Council 81/2021 the latest one in effect, suspends Subsection 101(1) of The Planning Act until July 31, 2021. Therefore, Variance Order V-08-20 is now deemed to expire on July 31, 2021.

The Planning & Buildings Department received the extension request prior to the provincially amended deadline.