


<b>TITLE:</b> <p style="text-align: center;"><b>VARIANCE</b>  <b>602 – 18<sup>th</sup> STREET</b>  <b>OWNER: FORESIGHT REAL ESTATE LTD.</b>  <b>APPLICANT: DANIEL MACGIBBON</b></p>		
<b>MEETING DATE:</b> July 15, 2020		<b>Page 1 of 3</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Community Participation Report D. Development Review Group Report	
<b>PRESENTER:</b> Sonikile Tembo	<b>MANAGER:</b> Ryan Nickel	

**RECOMMENDATIONS:**

That Variance Application V-08-20 to vary Table 10 of the Zoning By-law 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 by decreasing the distance from a stairway to an interior site line from 0.6m to 0.4m, for a mixed-use building in the Commercial Arterial (CAR) Zone be approved at 602 – 18<sup>th</sup> Street (Lots 38/40, Block 16, Plan 720 BLTO) in accordance with the letter of intent “Attachment A-2” site plan “ Attachment B-5” and elevation plans “Attachments B2, B3, & B4”, subject to the owner or successor entering into a development agreement with the following conditions:

1. 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.
2. 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.
3. The Developer agrees to remove the sidewalk ramp on the southwest corner of the 18th Street and McTavish Avenue intersection and to restore the curb as per the City of Brandon Standard Construction Specifications.
4. The Developer agrees to disconnect and remove an 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.

5. 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.
6. 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.

### **BACKGROUND:**

#### ***Request***

The applicant, Daniel MacGibbon, is applying on behalf of the property owner, Foresight Real Estate Ltd., to vary the following Zoning By-law provisions on property located at 602 – 18<sup>th</sup> Street in the CAR Commercial Arterial Zone to allow for a mixed-use building:

- Table 2 under Section 24 to reduce the distance from a stairway to an interior site line from 0.6m to 0.4m
- Table 10 under Section 51 to reduce the required rear yard from 6.0m to 3.0m, required front yard from 3.0 to 1.5m, and required corner side yard from 3.0m to 1.5m

#### ***Development Context***

The site has a detached dwelling and a commercial building, both single storey, and is located at the southwest corner of McTavish Avenue and 18<sup>th</sup> Street. Uses surrounding the site include commercial to the south and east, residential to the west, and the Earl Oxford School to the north. The site is within walking distance to a community park, three transit routes, and Brandon University. The back lane provides access to the site.

#### ***History***

The existing commercial building has had various commercial uses in it, and the house has one dwelling unit. This part of 18<sup>th</sup> Street was predominantly residential in nature, but, in recent decades, has steadily transformed into a commercial area, with the dwelling on site being the last one on this block.

### **ANALYSIS:**

Approval of the this application will allow for a two-storey mixed-use building with commercial on the first storey and nine dwelling units on the second storey.

***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 rear yard setback reduction is necessary since the second storey of the building is closer to the rear site line than the main storey to accommodate decked parking. It will allow more buildable area on the site without impacts to parking or back lane access. Most front yards in the area are used for parking, so reduction in front yard is not generally consistent with the area. However, parking in the rear yard is a more preferred design and positively impacts the area by providing pedestrian orientated building design. The proposed 1.5m corner side yard is generally consistent with the area, similar to 601 – 18<sup>th</sup> Street.

***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 reduction in setbacks will not be detrimental to the area since there are no services being protected by these setbacks, and all parking and access is adequately provided without negatively affecting neighbours. The efficient decked parking layout enables a pedestrian oriented site design that will appeal to foot traffic generated by the university and other commercial uses in the 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***

There is no injurious effect of the Zoning By-law in this case. However, this is the minimum modification required to allow for an efficiently designed site to accommodate all required parking and provide an adequate buildable area for the mixed-use building. The variances make it possible for the site to function efficiently while offering necessary parking, pedestrian access, and street orientation that is suitable for this location.

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

Mixed-use development is encouraged along 18<sup>th</sup> Street, specifically residential intensification in proximity to the university and other educational institutions and community services. Apart from the variances, the proposal is consistent with all listed by-laws.

***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.

**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 contacted property owners through mail regarding the variance application. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.