


TITLE: VARIANCE V-05-20; BY-LAW NO. 7275 TO REZONE PROPERTY LOCATED AT 1504 – 10TH STREET OWNER: KAYVON AMRULLAH RAZZAGHI APPLICANT: KATE MCKENZIE		
MEETING DATE: July 15, 2020		Page 1 of 5
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7275 B. Application related documents C. Map, air photo & drawings D. Community participation report E. Development review group report F. Letter of opposition	
PRESENTER: Shengxu Li, Community Planner	MANAGER: Ryan Nickel, Chief Planner	

RECOMMENDATIONS:

Rezoning

That the Planning Commission recommend City Council approve By-law No. 7275 (Z-06-20) to rezone 1504 – 10th Street (Lots 1/3, Block 1, Plan 289 BLTO) from Residential Low Density (RLD) to Residential Moderate Density (RMD), subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

1. The Developer agrees to construct a 6-unit residential building in general consistency with the attached site and elevation plans.
2. The Developer agrees to remove and relocate the Hydro service located within the property to the streetlight pole.
3. The Developer agrees to remove the existing access to the property on 10th Street and restore the ditch and boulevard with sod.
4. The Developer agrees to contribute \$5,452.84 for Network Infrastructure Development Charges (in the Emerging Area) as per the 2020 Fee Schedule. This calculation is based on the submitted site plan and the total net area being developed. This contribution is due in full upon execution of the development agreement.
5. The Developer agrees to contribute \$372.71 for cash in lieu of land dedication of public reserve. This contribution is due in full upon execution of the development agreement.
6. The Developer agrees to contribute \$1,215.00 to the Brandon School Division for cash in lieu purposes. Payment is to be made to the Brandon School Division with proof of payment submitted to the City of Brandon.
7. The Developer agrees to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate.

Variance

That Variance Application V-05-20 to vary Note 2 of Table 10 of the Zoning By-law by reducing the required front yard from 4.6m to 4.0m in the Residential Moderate Density (RMD) Zone be approved at 1504 – 10th Street in accordance with the letter of intent “Attachments and the attached site plan “Attachment C-2”.

BACKGROUND:***Request***

The applicant, Kate McKenzie of Keller Developments Ltd., on behalf of the property owner, Kayvon Amrullah, is applying for the following to allow for development of a six-unit multiple dwelling on the site on property located at 1504 – 10th Street:

- Rezoning from Residential Low Density (RLD) to Residential Moderate Density (RMD)
- Variance of Note 2 of Table 10 of the Zoning By-law reducing the required front yard from 4.6m to 4.0m

Development Context

The subject site currently has a detached house, and is located on the southwest corner of 10th Street and Richmond Avenue. Uses surrounding the site include detached dwellings to the south and to the north across Richmond Avenue, lower and moderate density residential development to the east across 10th Street, and commercial development to the west across the public lane. The site is within walking distance (400m) of commercial and social amenities, including a grocery store, a convenience store, a restaurant, a drug store, and two transit routes. Currently, 10th Street provides vehicle access to the site.

History

The existing detached dwelling on the site was built in 1952, which is one of the oldest buildings on this block.

ANALYSIS:***Rezoning***

The applicant is proposing a six-unit multiple dwelling on the site. The location of the site at an intersection of an arterial street (Richmond Avenue) and a local street (10th Street) lends itself to an increase in density and provides a transition to lower density residential uses to the south. The proposed development will eliminate front vehicular access and provide nine on-site parking spaces in the rear yard, including one accessible parking space. On-street parking exists along the west side of 10th Street.

Consistency with the Development Plan

- Provide a mix of housing options in the neighbourhood as well as housing affordability for various income levels (Policy 2.2.2 and 2.2.3)
- Contributes to a range of housing density options in the neighbourhood and increased density in close proximity to major institutions, schools, transit routes, open space areas, and major collector streets (Policy 2.2.4 and 2.2.5)
- Higher density encouraged on main arterials and collectors within 400m of an existing transit stop (Policy 13.2.3)
- Infill development is one of the three priorities for growth in the City of Brandon, and the proposal accommodates population growth within developed areas while ensuring contextually appropriate infill development (Policy 10.2.3 and 10.2.4)

Consistency with the Zoning By-law

- The site is currently zoned RLD, and requires rezoning to RMD to accommodate the proposed six-unit multiple dwelling
- The proposed development meet the majority of the bulk and siting requirements under Table 12 (Section 55) of the Zoning By-law, except for the required front yard, to be addressed next in this report

Variance

The applicant is proposing to reduce the required front yard from 4.6m to 4.0m to allow for enough space for a walkway between the building and the parking lot at the rear of the site.

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 proposed 4.0m front yard setback is closer to the front site line than the adjacent dwellings, but is consistent with a few other developments in the area, including the 1521 – 10th Street six-unit dwelling and the 1534 – 10th Street four-unit dwelling.

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 site is adjacent to a local street with no sidewalks. The proposed 4.0m setback combined with the 5.4m wide boulevard (drainage ditch) provides a separation of approximately 9.4m between the building and the edge of the street. If the City were to upgrade the street to an urban standard, the setback between the building and the upgraded street will still be approximately 6.0m. Therefore, the proposed development will not be detrimental to the health or welfare of people living nearby, or have negative effects on future development in 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

Although a 4.6m front yard setback is not injurious to the property, it limits development options to provide space on the site for other features, including a walkway between the parking spaces and the building.

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

Apart from the reduction to the required front yard, the proposal complies with all other applicable provisions of the development plan and zoning by-law.

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 E of this report to be approved by City Council.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Sections 168 and 169 of The Planning Act, notice of the public hearing was sent to owners of property within 100 metres (328 feet) of the subject property. Also in accordance with Section 168, notice was also posted on the subject property and advertised in the Brandon Sun on June 25, 2020 and July 2, 2020.

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicant mailed a 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 their site. As of the writing of this report, the Planning & Buildings Department received an email with concerns and questions on the provision of extra parking, maintenance of and noise from the development, and appropriateness of higher density in proximity to detached dwellings.