


TITLE: <p style="text-align: center;">CONDITIONAL USE 941 – 2ND STREET NORTH OWNER AND APPLICANT: JOE SCHROEDER</p>		
MEETING DATE: July 7, 2021		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Bernice Leyeza	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

That Conditional Use Application C-05-21-B to allow for a duplex on an interior lot in the Residential Single Detached (RSD) Zone be approved at 941 – 2nd Street North (Part Lots 37/38, Block 52, Plan 12 BLTO) in accordance with the attached letter of intent “Attachment A-1” and site plan “Attachment B-3”, and elevation plan “Attachment B-4” subject to the owner or successor:

1. Submitting a lot grading plan with a building permit that identifies all stormwater runoff to the front street.
2. The property owner, when applying for a building permit, amending the site plan to show on-site hardsurfaced parking; and
3. Prior to the issuance of building permit, relocating the existing gazebo at 935, 2nd Street North to comply with the Zoning By-law.

BACKGROUND:

Request

The applicant, Joe Schroeder of Cedar Ridge Construction, is applying to allow for a duplex dwelling on an interior site in the RSD Zone on a property located at 941 – 2nd Street North.

Development Context

The site is currently vacant. Uses surrounding the site include low-density residential on all sides, with Assiniboine Community College Kirkcaldy Heights School, and transit routes within walking distance.

History

A title split in 2015 created this site from 943 – 2nd Street North, which exists to the south, and has remained vacant.

ANALYSIS:

A duplex in the RSD Zone requires conditional use approval. The intent of the conditional use process is to ensure that development is an appropriate fit in the neighbourhood.

Consistency with Part 7, Section 106(1)(b) of The Planning Act and Demonstration that the Use:***1. Will be compatible with the general nature of the surrounding area;***

The site is located in a neighbourhood with predominantly detached dwellings. The one-storey building type and parking in the rear yard is compatible with the general nature of the 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;

The proposed building's design is consistent with the existing residential developments in the neighbourhood (e.g. one storey, hipped roof, parking in the rear yard), and therefore will not have negative impacts or effects on other properties or potential development in the surrounding area.

The fence and gazebo belonging to 935 – 2nd Street North immediately south of the site currently encroaches into the site. Though there are no setback requirements for fences, there are setback requirements for gazebos and other accessory structures, and the current encroachment negatively affects the site in that the new duplex building built in compliance with the Zoning By-law and the Manitoba Building Code will be too close to the gazebo. To avoid complications associated with encroachments, the City recommends the relocation of the gazebo in compliance with the Zoning By-law. Given the size of the rear yard of 935 – 2nd Street North, relocation of the gazebo should not have any negative effects on the neighbouring site.

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

The proposal conforms to the Brandon & Area Planning District Development Plan 2013 (Development Plan):

- 2.2.1—Site is within the “Residential” area in Map One: Urban Land use of the Development Plan
- 2.2.2—Proposal provides a mixture of housing options in the neighbourhood
- 2.2.4 & 2.2.5—Proposed development will contribute to a range of housing density options in the neighbourhood, and increase density in close proximity to major institution (Assiniboine Community College), transit routes, open space areas and major collector streets

- 10.2.3—Infill development is one of the top growth priorities in the City of Brandon

The proposal also conforms to the Zoning By-law, including setbacks and parking, except for showing proposed gravel parking. The lane is hardsurfaced, therefore the parking spaces must also be hardsurfaced (Subsection 29(b)). If this application is approved, the applicant must update the site plan accordingly when applying for a building permit.

Commenting Agencies

The City received the following comments.

City of Brandon

Drainage off this site may only proceed in a back-to-front direction. This means drainage off this site may only go to 2nd Street North, not the rear lane to the east. The City recommends this be a condition of approval.

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 sent a public outreach package to neighbouring residents informing them on the application. The applicant received one concern regarding the lot size for construction of a duplex dwelling. The applicant explained the proposal to the concerned neighbor. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.