


TITLE: CONDITIONAL USE AND VARIANCE 1262 – 1ST STREET OWNER: ERIC JOHN OLSON AND AMY LYNN OLSON APPLICANT: ERIC JOHN OLSON		
MEETING DATE: April 21, 2021		Page 1 of 5
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Community participation report D. Letter of opposition	
PRESENTER: Shengxu Li, Community Planner	MANAGER: Ryan Nickel, Chief Planner	

RECOMMENDATIONS:

Conditional Use

That Conditional Use Application C-02-21 to allow for two three-dwelling-unit buildings on a corner site in the Residential Low Density (RLD) Zone be approved at 1262 – 1st Street (Lots 1/3, Block 24, Plan 7 BLTO) in accordance with the letter of intent “Attachment A-1” and the site plan “Attachment B-3” and the elevation plan “B-4”, subject to the applicant removing the existing access off Queens Avenue.

Variance

That Variance Application V-05-21 to vary Note 9 of Table 10 of the Zoning By-law by decreasing the required reverse corner side yard from 4.6m to 3.0m in the Residential Low Density (RLD) Zone be approved at 1262 – 1st Street (Lots 1/3, Block 24, Plan 7 BLTO) in accordance with the letter of intent “Attachment A-2” and the site plan “Attachment B-3”.

BACKGROUND:

Request

The applicant, Eric Olson, on behalf of the property owners, Eric Olson and Amy Olson, is applying for the following for a property located at 1262 – 1st Street:

- Conditional Use to allow for two three-dwelling-unit buildings on a corner site in the Residential Low Density (RLD) Zone
- Variance of Note 9 of Table 10 of the Zoning By-law by decreasing the required reverse corner side yard from 4.6m to 4.0m

Development Context

The subject site, located on the northwest corner of the intersection of 1st Street and Queens Avenue, currently has a detached dwelling. Uses surrounding the site are mainly lower density residential except for two schools to the west and northwest. The site is within walking distance to the École Harrison School, George Fitton School, Green Acres School, a transit route, and some commercial services along east side of 1st Street. Currently, Queens Avenue is providing access to the site.

History

The existing single detached building was built in 1957. The developer plans to remove the building once the proper approvals are in place.

ANALYSIS:***Conditional Use***

The applicant is proposing to develop two bi-level style two storey triplex buildings on the site. For each building, one of the dwelling units' entrances will face 1st Street, and the other units will have entrances from the rear yard. The proposed development will provide nine parking spaces accessed off the public lane to the west.

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 neighborhood that has not experienced major redevelopment in recent years. Although the single detached dwelling is the dominant building form in the area, the proposed building form and site layout (e.g. bi-level style, hipped roof, parking at rear yard, similar front yard setback, 38% site coverage) is intended to look similar to a large detached home and will be compatible with the general nature of the surrounding area. Furthermore, this proposal continues the trend of seeing infill development along the 1st Street, observed north of this site, while retaining the detached dwelling form on the adjacent streets.

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 development plans to remove the existing access off Queens Avenue and put all required parking spaces in the rear yard with access off the public lane. This helps to reduce the interruption to both pedestrian and vehicle traffic along Queens Avenue near the development site, as well as providing more parking spaces along the street. The on-site parking spaces have a 3.0m setback from the corner (south) site line along Queens Avenue,

improving sight lines for pedestrians and drivers where the sidewalk meets the lane, which came up as a concern from residents.

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):

- The subject site is within the area identified as “Residential” in Map One: Urban Land Use of the Development Plan (Policy 2.2.1)
- The development will contribute to a range of housing density options in the neighbourhood and increase density in close proximity to schools, transit routes, open space areas and major arterial streets (Policy 2.2.4 and 2.2.5)
- Infill development is a growth priority in the City of Brandon (Policy 10.2.3).

The proposed development complies with all applicable requirements in the Zoning By-law, except for the reverse corner side yard. The applicant has applied for a variance concurrently to address the non-compliance (see following for analysis).

Variance

The applicant is also applying for a variance concurrently to decrease the reverse corner side yard from 4.6m to 3.0m to allow for enough distance between the two proposed buildings.

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 reverse corner sites in the surrounding area (further east on Queens Avenue East) have varied setbacks from side streets. Therefore, the proposed decrease of reverse corner side yard will be 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 reverse corner side yard requirement applies due to the École Harrison School site to the west (315 Queens Avenue). Considering the distance from the site to the school building and school site entrances, as well as the existing of 3.0m corner side yards on other nearby properties along Queens Avenue, the impact of the setback reduction will be minimal.

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*

The proposed 3.0m setback complies with the typical corner side yard setback of 3.0m seen in the surrounding area. The site is considered a reverse corner site as both this and the École Harrison School sites' front site lines are on streets that are perpendicular to each other (1st Street and Queens Avenue respectively). There is no injurious effect on the site of the 4.6m setback requirement, however, shifting the building closer to Queens Avenue provides more distance between the two proposed buildings and enables the north building to conform to the Zoning By-law's interior side yard requirement.

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

The area is designated "Residential" under the Development Plan and the proposal maintains this use. Apart from the variance requests, the proposal complies with all other provisions in the Zoning By-law.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

The applicant is required to remove the existing access off Queens Avenue.

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 dropped off the public outreach package to the property owners in the surrounding area on March 21, 2021 to solicit feedback from neighbourhood residents. During the public outreach process, City administration received concerns from neighbourhood residents and discussed these concerns with the applicant. The applicant revised the proposal to address those concerns and planned to engage in a second public outreach.

As of the writing of this report, the Planning & Buildings Department received two letters of opposition to this application (Attachment D). The main concerns include the following:

- Increased density adding more people living in the area
- Nine parking stalls are not enough, resulting in use of street parking spaces
- Increased traffic from the public lane will be unsafe to school children

- The building design does not fit in the neighbourhood in terms of building height and front yard obstructions (e.g. porch and stairs)
- Not enough yard or green space in the development