


TITLE: VARIANCE 832 – 18TH STREET OWNERS: ALBERT JOHN KOKONAS & VIOLETA VILLARTA DAWAL-KOKONAS APPLICANT: CRANE ENTERPRISES LTD. (JAROD CRANE)		
MEETING DATE: April 21, 2021		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Letter of concern	
PRESENTER: Andrew Mok, BES MCIP RPP	MANAGER: Ryan Nickel, RPP, Chief Planner	

RECOMMENDATIONS:

That Variance Application V-06-21 to vary Table 6 under Section 27(a) of Zoning By-law No. 7124, as amended, to reduce the minimum parking space length from 6.1m to 4.5m, and the minimum parking aisle width from 5.5m to 3.7m, in the Commercial Arterial (CAR) Zone be approved at 832 – 18th Street in accordance with the letter of intent “Attachment A-1” and the site plan “Attachment B-3”.

BACKGROUND:

Request

The applicant, Jarod Crane of Crane Enterprises Ltd., on behalf of the property owners, Albert John Kokonas and Violeta Villarta Dawal-Kokonas, is applying to vary Table 6 under Section 27(a) of the City of Brandon Zoning By-law No. 7124 (“Zoning By-law”), as amended, to reduce the following parking space dimensions for property located at 832 – 18th Street in the CAR Zone:

- Minimum length from 6.1m to 4.5m
- Minimum parking aisle width from 5.5m to 3.7m

Approval of this application will allow for the development of an addition to the commercial building on 810 and 824 – 18th Street.

Development Context

The subject site currently has a drive-through automated teller machine. Uses surrounding the site include commercial to the north and east, and residential low density to the west. 18th Street provides access to the site.

History

The site previously had a detached dwelling, demolished in 1987. The drive-through automated teller machine was developed in 1992.

ANALYSIS:

The applicant is proposing to reduce the parking space length from 6.1m to 4.5m, and parking aisle width from 5.5m to 3.7m. This would make the new parking spaces consistent with the lawfully non-conforming parking spaces at 810 and 824 – 18th Street to enable development of an addition of the existing commercial building into the site. This request also ensures there are sufficient on-site parking spaces for the expanded building.

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 surrounding commercial area consists of a mix of older and newer developments. Pre-existing commercial developments have lawfully non-conforming parking layouts, including a mix of parking space and aisle dimensions. The proposed development is for a building addition that matches the existing building on 810 and 824 – 18th Street. The parking layout is therefore 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 requested variances affect the site's parking layout, but does not reduce the number of parking spaces on site. Reducing dimensions of the additional parking area is preferred to reducing the number of parking spaces due to adjacent on-street parking limited to College Avenue, with on-street parking for commercial uses being less desirable on nearby residential street. Furthermore, several nearby commercial sites were developed with parking layouts that are lawfully non-conforming under the current Zoning By-law and have not caused detrimental effects on neighbouring sites. The proposed parking layout therefore is not detrimental to the general welfare of 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

The intent of having minimum parking space length and aisle width dimensions is to ensure typical passenger vehicles can maneuver in a parking area. However, the existing building at 810 and 824 – 18th Street was built before the current standards were in place. Despite having short parking spaces and a narrow parking aisle, the existing parking area has functioned since its development before the current standards existed. The requested variances would extend the existing parking area's circumstances to the building addition that is being built to match the existing building. The reduction of the parking space length and aisle width therefore are minimum modifications of the Zoning By-law to relieve its injurious effect on the site.

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 parking area requirements, the proposal complies with all other provisions of the Brandon & Area Planning District Development Plan (“Development Plan”) and Zoning By-law. The building addition will maintain a commercial presence on the site in accordance with Map One: Urban Land Use of the Development Plan (Policy 3.2.1) and the CAR Zone requirements of the Zoning By-law.

Commenting Agencies

There were no comments of significant concern regarding this application.

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, no additional public outreach effort is required, as the variance to the Zoning By-Law is not resulting in the increase of intensity or density of the use of the site. As of the writing of this report, the Planning & Buildings Department received one letter of concern, requesting additional parking control and enforcement in light of additional commercial businesses coming to the area.