


TITLE: VARIANCE 1550 RICHMOND AVENUE EAST OWNER: PAUL'S HAULING LTD. APPLICANT: LANDMARK PLANNING AND DESIGN		
MEETING DATE: May 19, 2021		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Community participation report D. Development group review report E. Letter of opposition	
PRESENTER: Shengxu Li, Community Planner	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

That Variance Application V-07-21 to vary Subsections 41(a) and (d) of the Zoning By-law No. 7124, as amended, to allow for temporary worker accommodations (seasonal work camp) in the Industrial Restricted (IR) Zone be approved at 1550 Richmond Avenue East (Lot 3, Block 1, Plan 23784 BLTO) in accordance with the letter of intent “Attachment A-1 to A-4” and site plan “Attachment B-3”, subject to:

1. This order being valid for up to five (5) years from the date of approval.
2. The owner or successor entering into a development agreement with the City of Brandon with the following conditions:
 - a. The Developer agrees to develop a seasonal work camp in general consistency with the attached site plan;
 - b. The Developer agrees that, if at any time, the work is permitted to become permanent structures, the property owner will be required to connect all permanent structures to public water and domestic sewer servicing within two (2) years from the date when permission is granted for a permanent work camp. The work camp structures shall also comply with any procedures, policies, by-laws and Acts for establishing a permanent structure on the site;
 - c. The Developer agrees to only operate the work camp in May and October of each calendar year for a maximum of 2 months a year in concurrence with the seasonal operation of providing fertilizer to local farms.

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, Brendan Salakoh of Landmark Planning and Design, on behalf of the property owner, Paul's Hauling Ltd., is applying to vary Subsections 41(a) and (d) of the City of Brandon Zoning By-law No. 7124 ("Zoning By-law") to allow for temporary worker accommodations (seasonal work camp) on property located at 1550 Richmond Avenue East in the Industrial Restricted (IR) Zone. Approval of this application will allow for the relocation and expansion of the temporary worker accommodations (seasonal work camp) on this site.

Development Context

The subject site currently has six (6) temporary accommodation units. The property owner uses a majority of the site (on the north part) as a truck terminal for their business operations. The temporary worker accommodations are also part of the supports to the truck company's operations. Uses surrounding the site include a mix of industrial and commercial to the north and west, industrial to the south, and undeveloped land to the east. Both Richmond Avenue East and 17th Street East provide access to the site.

History

The site was developed for a truck terminal in 1988. A temporary permit for six (6) temporary worker accommodation units, valid for only up to six months, was issued in 2013.

ANALYSIS:

The applicant is proposing to vary Subsections 41(a) and (d) of the Zoning By-law to allow for the relocation and expansion of the temporary worker accommodations (seasonal work camp) on this site. The current work camp structure is located on the southeast portion of the site, close to 17th Street East. The applicant is proposing to relocate the existing work camp structure to the west side, close to 14th Street East, and add two (2) additional structures to accommodate up to 24 people in the work camp.

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 area consists of a mix of commercial and industrial developments that mainly cater to the transportation and agricultural services industries. The proposal would allow the relocation and expansion of the temporary worker accommodations (seasonal work camp) that is accessory to the trucking company's operation. The work camp building is prefabricated and in a bunkhouse style, similar to the temporary accommodation structure for a caretaker or watchman on a construction or development site. It is also located within

the compound area, separated from the truck terminal by a fence and not easily viewed from the adjacent streets. Though there are no similar worker accommodation structures in the adjacent area, given the style and location of the work camp building on the site, the proposal does not alter 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 do not affect the site's layout or function due to the small scale of the seasonal work camp. Also, the temporary worker accommodation use is less intensive than the industrial and commercial uses on the site and in the adjacent area. Despite the work camp not being a typical structure in the industrial areas in the City, the existing temporary worker accommodation has been operating for several years, and appears to be efficient and have not impacted the surrounding area.

City administration acknowledges that such temporary worker accommodation may have room vacancy implications to local hotel industry. Therefore, a development agreement condition is recommended to limit the work camp operation to only during the times concurrently with the seasonal operation of providing fertilizer to local farms.

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 temporary worker accommodation on the site is intended to provide efficient support to the property owner's seasonal business operation in short time periods each year. To allow the work camp on the site on a temporary basis through the variance is the minimum modification of the Zoning By-law to relieve its injurious effect on the property.

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 temporary worker accommodation is not a standalone residential use, but auxiliary to the trucking company's business operation. The truck terminal use is consistent with the industrial land use designation in both the Brandon and Area Planning District Development Plan (Development Plan) and East Brandon Industrial Secondary Plan (Secondary Plan), except for the accessory residential use, which is not consistent with the land use designation in the Development Plan and Secondary Plan. Therefore, the variance application is addressing the temporary change of the residential use on an industrial site. Except for the variances being requested, the site and proposal comply with applicable provisions of the Zoning By-law, such as setbacks.

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 to be approved by the Planning Commission. Key conditions are heightened as follows:

- If the work camp become permanent structures, they will need to be connected with public water and domestic sewer servicing within 2 years of such approval
- The work camp can only operate for maximum 2 months per calendar year, concurrently with the trucking company’s seasonal fertilizer services operation

The City of Brandon also recommends that the variance order be valid for up to five (5) years, which is consistent with Subsection 97 (2) of Planning Act, should the Planning Commission approve the 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, the applicant has reached out to property owners who owned lands in adjacent area for comments on the variance proposal, through mail-out on April 21, 2021. The applicant did not receive any comments from the public outreach process. As of the writing of this report, the Planning & Buildings Department received one letter in opposition to this application (Attachment E). The objector’s main concerns include

- Potentially negative effects on property values of adjacent properties
- Removing seasonal workers as tenants from their market rental properties
- Potential impact on the hotel industry in terms of room vacancy rates
- Residential uses are not compatible with industrial zones