


<b>TITLE:</b> <b>VARIANCE</b> <b>759 – 6<sup>TH</sup> STREET</b> <b>OWNER: DENNIS JOSEPH YANICK</b> <b>APPLICANT: MYRIA DESIGN (KATE MCKENZIE)</b>		
<b>MEETING DATE:</b> July 7, 2021		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Community participation report D. Development review group report E. Letter of opposition	
<b>PRESENTER:</b> Shengxu Li, Community Planner	<b>MANAGER:</b> Ryan Nickel, Chief Planner	

**RECOMMENDATIONS:**

That Variance Application V-11-21 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 Moderate Density (RMD) Zone be approved at 759 – 6<sup>th</sup> Street (Lots 28/30, Block 60, Plan 8 BLTO) in accordance with the letter of intent “Attachment A”, attached site plan “Attachment B-3”, and elevation plan “Attachment B-4”, 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 10-unit multiple dwelling building in general consistency with the site and elevation plans.
2. The Developer agrees to upgrade the City boulevard which shall include installation of curb, gutter and a public sidewalk along the north side of College Avenue for the entire length of the site.
3. The Developer agrees to relocate the hydro pole currently located within the proposed parking lot to an area in which it will not obstruct any parking stall(s). Such relocation shall be shown on the site plan submitted for a development permit.
4. The Developer agrees to provide a Detailed Cost Estimate for all work proposed to be completed within the City’s right-of-way. The Detailed Cost Estimate is to be prepared by the Developer’s Consulting Engineer and is submit to review and acceptance by the City Engineer.
5. The Developer will be responsible to submit a certified cheque totalling 25% of the Detailed Cost Estimate. Submission of the certified cheque is required prior to the issuance of a development permit.

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, Kate McKenzie of Myria Design and Keller Developments, on behalf of the property owner, Dennis Joseph Yanick, is applying to vary Note 9 of Table 10 of the City of Brandon Zoning By-law No. 7124 by decreasing the required reverse corner side yard from 4.6m to 3.0m for property located at 759 – 6<sup>th</sup> Street in the Residential Moderate Density (RMD) Zone. Approval of this application will allow for the development of a building with ten (10) dwelling units.

***Development Context***

The subject site currently has a detached dwelling, and is located on the northeast corner of the 6<sup>th</sup> Street/College Avenue intersection. Uses surrounding the site include lower density residential developments to the north and west, moderate density residential developments to the south across College Avenue, and light industrial uses to the east across the public lane. The site is within walking distance to some commercial services along 6<sup>th</sup> Street, two transit stops, and some places of worship. The public lane provides access to the site.

***History***

The existing single detached building was built in the 1890s. The developer plans to remove the building once the proper approvals are in place.

**ANALYSIS:**

The applicant is proposing to develop a three-storey, ten-dwelling-unit building on the site. To allow for enough space for the proposed decked parking area, the applicant is applying for a variance to decrease the required reverse corner side yard from 4.6m to 3.0m. The proposed development will provide 15 parking spaces to both the north and east sides of the building, accessed off the public lane to the east.

***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;***

There are only a few reverse corner sites in the surrounding area (further west on College Avenue). Those sites have limited corner side yard setbacks. 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 Gear Head Motors and Automotive Services site to the east (750 – 5<sup>th</sup> Street). Considering the distance from the site to the auto service building and their site access, as well as the existing shortened corner side yards on other nearby properties along College 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 auto service site's front site lines are perpendicular to each other (6<sup>th</sup> Street and College Avenue respectively). There is no injurious effect on the site of the 4.6m setback requirement, however, shifting the building closer to College Avenue provides more distance between the proposed building and the northern site line, accommodating the proposed decked parking spaces and the driving aisle to conform to the Zoning By-law 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 request, 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 City of Brandon advises that a development agreement is required, with conditions as identified in the "Recommendations" section and "Attachment D" in this report. Some key conditions are highlighted as follows:

- Upgrade the boulevard and construct a sidewalk along the north side of College Avenue.
- Indicate the hydro pole location on the site related plans, prior to issuance of a development permit, and relocate the pole prior to issuance of an occupancy permit.
- Provide a Detailed Cost Estimate for all work proposed within City's right-of-way. Provide a certified cheque totaling 25% of the Detailed Cost Estimate.

**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 mailed the public outreach material to all addresses of non-resident property owners and hand delivered the material to residents in the adjacent area. As of the writing of this report, the Planning & Buildings Department received a letter in opposition from a resident to this application. The resident is concerned the new development will decrease the value of their property.