

<b>TITLE:</b>  <b>VARIANCE</b> <b>1020 VICTORIA AVENUE</b> <b>OWNER: CITY OF BRANDON</b> <b>APPLICANT: GREG HEBERT</b>		
<b>MEETING DATE:</b> July 21, 2021		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings	
<b>PRESENTER:</b> Bernice Leyeza, Community Planner	<b>MANAGER:</b> Andrew Mok, for Ryan Nickel, Director of Planning & Buildings	

### **RECOMMENDATIONS:**

That Variance Application V-15-21 to vary Table 12 under Section 55 of Zoning By-law No. 7124, as amended, to reduce the required corner side yard from 3.0m to 0.0m in the Commercial General (CG) Zone be approved at 1020 Victoria Avenue (Parcel A & B, Plan 1751 BLTO) in accordance with the attached letter of intent “Attachment A-1”, site plan “Attachment B-4”, and elevation plan “Attachment B-7”.

### **BACKGROUND:**

#### ***Request***

The applicant, Greg Hebert, on behalf of the property owner, the City of Brandon, is applying to vary Table 12 under Section 55 of Zoning By-law No. 7124 (“Zoning By-law”), as amended, to reduce the required corner side yard from 3.0m to 0.0m in the CG Zone. Approval of this application will allow for expansion of their current building to accommodate new holding cells.

#### ***Development Context***

The site is located on the block bound by Victoria and McTavish Avenues, and 10<sup>th</sup> and 11<sup>th</sup> Streets. Uses surrounding the site include a mixture of single and multiple dwellings to the south and west. The Brandon Armoury is located to the west of the site. Several commercial establishments, such as Superstore, are located to the east and north. 10<sup>th</sup> Street, 11<sup>th</sup> Street, and McTavish Avenue provide access to the site.

#### ***History***

The site, historically the Winter Fair grounds, was developed as supermarket and bank in more recent decades. The City took ownership of the site and repurposed the building as the new home of Brandon Police Services (BPS) in 2012. In 2015, the site obtained a corner side yard variance for two 9.2m<sup>2</sup> sheds in 2015 at the southeast corner of the site.

**ANALYSIS:**

An agreement between BPS and the Brandon Correctional Centre for direct lock-up needs ended suddenly in 2020 due to COVID-19 pandemic, and the City is unable to re-establish the agreement. The proposed expansion is to accommodate direct BPS' lock-up needs and will be 446m<sup>2</sup> (4,800ft<sup>2</sup>) in area. This will consist of over 20 cells, office space, and a 2<sup>nd</sup> storey for BPS' future growth opportunities.

The building design of the proposed expansion will be similar to the existing building. The proposal will remove the existing access along 10<sup>th</sup> Street, and require a westerly shift of the McTavish Avenue access.

***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 corner sites in the surrounding area have varying setback requirements from the local streets due to different zoning districts or the year in which buildings on those sites were built. Those sites that have minimum setbacks do not encroach the street rights-of-way. The proposed corner side yard reduction therefore 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 proposed corner side yard reduction will still have sufficient setback for traffic visibility around the corner at the intersection of McTavish Avenue and 10<sup>th</sup> Street, and therefore should not have any detrimental effects to the surrounding area.

Even if the building design did not require a variance, the City acknowledges there may be some impacts during the construction of this building addition. McTavish Avenue will be closed for traffic for the duration of this construction project, which is expected to occur from October 2021 to Spring 2023. The closure of McTavish Avenue may collect traffic along 10<sup>th</sup> and 11<sup>th</sup> Streets due to detour movements.

***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 request is the minimum modification of the Zoning By-law to allow the proposed expansion with a seamlessly designed site. Through discussions with BPS, the Planning & Buildings Department understands that the proposed expansion will still accommodate minimum required parking spaces and provide adequate space to the existing use of the site.

The proposed corner side yard reduction will allow the site to function more efficiently, and the proposed expansion will provide street frontage and building articulation.

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

**Brandon & Area Planning District Development Plan 2013**

- Area designated “Institutional” (5.2.1)
- Site is centrally located within the City, and the proposed expansion is located on the same side of local street that can minimize traffic problems (5.2.2)
  - Building addition also accommodates location of existing holding cells in the southeast part of the building

**City of Brandon Zoning By-law**

- Proposed building addition complies with all other setback requirements on all other sides
- Proposed building design shows compliance with the building design standards in the Urban & Landscape Design Standards Manual (4.2, 4.3, 4.5)

***Commenting Agencies***

All comments have been addressed and summarized below:

**City of Brandon**

- Applicant needs to maintain a minimum one metre clearance from the existing hydrant at the northwest corner of 10<sup>th</sup> Street and McTavish Avenue
  - Can be addressed during the building permit stage

**Manitoba Hydro**

- The proposed access along McTavish Avenue may have an impact on an existing overhead facility (pole)
  - Can be addressed during the building permit stage

**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 does not result in the increase of intensity or density of use of the site. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.