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| TITLE: VARIANCE 231 – 8TH STREET OWNER AND APPLICANT: THE YOUNG MEN’S CHRISTIAN ASSOCIATION OF BRANDON (LON CULLEN) | |  |
| MEETING DATE: December 15, 2021 | | Page 1 of 4 |
| DEPARTMENT: Planning & Buildings | ATTACHMENTS: A. Application related documents B. Maps, air photo & site plan C. Community Participation Report | |
| PRESENTER: Justin Quigley, Community Planner | MANAGER: Ryan Nickel, Director of Planning & Buildings | |

RECOMMENDATIONS:

That Variance Application V-21-21 to vary Note 6 of Table 14 under Section 59 of Zoning By-law No. 7124, as amended, to reduce the required corner side yard from 1.5m to 0.3m in the Downtown Mixed Use (DMU) Zone be approved at 231 – 8th Street (Parcels A/G, Plan 49798 BLTO) in accordance with the attached letter of intent “Attachment A-1” and site plan “Attachment B-3”.

BACKGROUND:

Request

The applicant, Lon Cullen, on behalf of the property owner, The Young Men’s Christian Association (YMCA) of Brandon, is applying to vary Note 6 of Table 14 under Section 59 of Zoning By-law No. 7124 (“Zoning By-law”), as amended, to reduce the required corner side yard from 1.5m to 0.3m in the DMU Zone. Approval of this application will allow for the expansion of their current building to accommodate a new two-storey addition, as well as renovate the existing childcare play area.

Development Context

The site is located on the block bound by Princess Avenue, 8th Street, Lorne Avenue, and 7th Street. The site is surrounded by commercial uses to the north and west, offices to the east, residential uses to the south and southwest, and a park to the west. Transit stops are sited nearby along Princess Avenue and 6th Street, and the site has access off a lane between 8th Street and Lorne Avenue, along with an exit onto Princess Avenue.

History

The site has housed Brandon YMCA facilities since 1966. In 2011, the YMCA obtained a permit for a new building, which included a variance to reduce the minimum setback requirements of the North and East side site lines, as well as to reduce the minimum on-site parking requirements, under the older Commercial General (CG) Zone. In 2012 the City rezoned the downtown area in accordance with the Downtown HUB Secondary Plan, now the Downtown Brandon Secondary Plan, and the site was rezoned from CG to Downtown Mixed Use (DMU). The new facility was built in 2013, with site work completed in 2015.

ANALYSIS:

The applicant is proposing to add a new two-storey addition within the southern portion of the site, as outlined in “Attachment A-1”. This new addition is intended to maximize the building footprint to the site lines. The applicant has sufficiently outlined the need to construct the south portion of the addition with a setback of 0.3m from the property line, citing an identified risk of damage to 705 Lorne Avenue, inconsistent grading between the applicant’s site and 705 Lorne Avenue due to existing pedestrian facilities, and a potential risk to worker’s safety during construction.

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;**

Properties in the surrounding area, especially those in the DMU Zone, have varying setbacks due to the varying years in which buildings on those sites were built. Many of the setbacks on these older buildings do not comply with regulations in effect today. The proposed rear 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 Zoning By-law states that a building may have a 0.0m side yard, but there must be at least 1.5m if a side yard is proposed. The intents of this minimum side yard requirement are to

- Provide some consistency with the Manitoba Building Code’s fire protection requirements, which specifies more stringent construction methods and reduced openings as a building approaches a site line
- Ensure sufficient width for access between a building and site line, such as for utility or emergency crews
- Ensure drainage off the building and site stays within the site and not flow onto adjacent sites

The intents protect adjacent properties by mitigating risk of fire spreading from one property to another, and by reducing risk of trespassing or mitigating creation of unsafe spaces. The adjacent site to the south known as 705 Lorne Avenue will be the most impacted by the proposed variance. However, the applicant confirmed with the owner of 705 Lorne Avenue, as outlined in “Attachment A-4”, that a 0.3m setback is preferable over a 0.0m setback, which the DMU permits, as a 0.0m would negatively impact existing pedestrian facilities at 705 Lorne Avenue that are adjacent to the shared site line. The proposal therefore will not be detrimental to the surrounding 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*

Despite the rationale for 1.5m minimum setbacks in the DMU Zone explained under Criterion 2, the DMU Zone default requirement for side yards is 0.0m that allows for the continuation of buildings to the site line and adjacent to each other. This setback requirement is consistent with typical downtown built forms. However, the applicant notes that, due to existing pedestrian facilities at 705 Lorne Avenue along the shared site line, providing a 0.3m setback is more prudent in minimizing design conflicts, such as structural design and drainage. The building design still assumes a 0.0m setback with respect to Manitoba Building Code compliance. The proposal therefore is the minimum modification of the Zoning By-law required to relieve its injurious effect on the applicant’s 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*

Brandon & Area Planning District Development Plan 2013

- Area designated “Downtown” (Reference Map 11)
- Site is identified as a prominent social and recreation use within the downtown neighbourhood and the expansion will serve to enhance the services available (7.2.2)

The Downtown Brandon Secondary Plan

- The services provided on site align with the core values of the Downtown Plan Area (3.1)
- Proposed building addition will increase the social services offered on site (4.7.2.b.)

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 site design standards in the Urban & Landscape Design Standards Manual (3.1, 3.2, 3.3)

Commenting Agencies*City of Brandon*

- The City requires the applicant show suitable evidence that runoff be mitigated from the site to adjacent properties to that of a pre-development condition as a condition of approval
 - The Planning & Buildings Department determines this can be addressed through the development permit application process
- The City has identified that there is an indication that the facility would generate parking in excess of what is currently available on site during peak hours
 - The City, however recognizes that priorities identified in the Development Plan and the Downtown Brandon Secondary Plan support growth and expansion opportunities such as the one the applicant proposes, and this situation is a suitable trade-off

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 met with owners of surrounding properties (Attachment C-1). The only potential concerns were with the owner of 705 Lorne Avenue, and the applicant will work with that owner to address mutual concerns such as drainage. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.