


TITLE: VARIANCE 1205 17TH STREET EAST OWNER: KOCH FERTILIZER CANADA, ULC APPLICANT: DOMINIC LEFEBVRE		
MEETING DATE: June 1, 2022		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Justin Quigley, Community Planner	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

That Variance Application V-08-22 to allow for rebuilding of a non-conforming building in the Industrial Heavy (IH) Zone pursuant to Clause 92(1)(c) of The Planning Act be approved at 1205 – 17th Street East (Parcel L, Plan 38228 BLTO) in accordance with the attached letter of intent “Attachment A-1” and site plan “Attachment B-3”.

BACKGROUND:

Request

The applicant, Dominic Lefebvre, on behalf of the property owner, Koch Fertilizer Canada, ULC, is applying to allow for rebuilding of a non-conforming building in the Industrial Heavy (IH) Zone under Clause 92(1)(c) of The Planning Act. Approval of this application will allow for the replacement of the existing mobile office with a new mobile office of same dimensions, construction materials, and style.

Development Context

The site is bound by 17th Street East to the west, the CN rail line along the south, and 1400 – 17th Street East to the north and east. The site is surrounded by industrial uses and is neighbouring other Koch Fertilizer Canada, ULC facilities. The westernmost 14.5m of the site is zoned Open Space (OS) to accommodate a high-voltage Manitoba Hydro transmission corridor. Access to the site is located on the north side of the property from 17th Street East.

History

In 1970, the site was developed to house an expansion of a CO₂ liquification plant which was previously housed inside the Simplot Fertilizer Complex. The standalone CO₂ plant opened on 1205 17th Street East in September 1981. In 1996, the mobile office trailer was placed on site to house employees assisting in the operation of the CO₂ liquification facilities.

ANALYSIS:

The applicant is proposing to replace the existing mobile office on site with a new mobile office of same dimensions and in the same location on site.

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 industrial uses occupied primarily by Koch Fertilizer. Buildings of various bulk, massing, and heights occupy sites surrounding 1205 – 17th Street East. Further, surrounding properties commonly house multiple buildings of varying sizes and similar building materials. Therefore, the new mobile office 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 existing mobile office has not resulted in any formal complaints throughout the life of its practical use. Further, properties partially surrounding 1205 – 17th Street East are occupied by other Koch Fertilizer facilities. The applicant has identified that offices on this site are instrumental in the ongoing operations of the CO₂ plant as well as the general operations of the surrounding Koch Fertilizer facilities. The proposed mobile office will not differ in dimensions or site placement compared to the current office, and so will not be detrimental to the health or general welfare of people living or working in the surround 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 applicant has requested to replace the existing mobile office on the site with an office of same dimensions, construction material, and height. The applicant is also requesting to replace the existing mobile office and site the new mobile office in the same location on site. Continuing the office use in a temporary building allows for the continuation of existing business operations of the CO₂ plant. The variance is therefore 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 “Industrial” (Map 1)
- Site will continue to operate in a capacity to enhance and promote opportunities for a diversity of industrial development in an appropriate location within the BAPD (4.1 (a))

East Brandon Industrial Area Secondary Plan

- Site is within the “Limited Development Area” (Figure 3)
- Mobile office will support the primary use on site, which is industrial (3.5.2)

City of Brandon Zoning By-law

- Proposed development complies with all other requirements within the Zoning By-law

Commenting Agencies

The City did not receive any comments of significant concern.

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 reached out to property owners who owned lands in the adjacent area for comments on the variance proposal. The applicant noted that no comments were raised.