


TITLE: CONDITIONAL USE & VARIANCE 1 FERRARO DRIVE OWNER: BELLAFIELD HOLDINGS LTD. APPLICANT: TAYLOR EISNER		
MEETING DATE: March 15, 2023		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Bernice Leyeza, Community Planner	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

Conditional Use

That Conditional Use Application C-01-23 to establish special needs housing for four (4) persons be approved at 1 Ferraro Drive (Lot 1, Block 5 Plan 67620 BLTO) in accordance with the attached letter of intent "Attachment A-1", site plan "Attachment B-3", and elevation plan "Attachment B-4".

Variance

That Variance Application V-01-23 to vary Subsection 27(e) of the Zoning By-law by allowing parking, including a required parking space, between the front site line and the principal building in the Residential Single Detached (RSD) Zone be approved at 1 Ferraro Drive (Lot 1, Block 5 Plan 67620 BLTO) in accordance with the attached letter of intent "Attachment A-1", site plan "Attachment B-3", and elevation plan "Attachment B-4", subject to the applicant ensuring the driveway width be at least 6.6m within private property to accommodate the required parking spaces (one accessible and regular parking space each).

BACKGROUND:

Request

The applicant, Taylor Eisner of VBJ Developments, on behalf of the property owner, Bellafield Holdings Ltd, is applying for the following in the Residential Single Detached (RSD) Zone:

- Establish special needs housing for four (4) persons
- Vary Subsection 27(e) of the Zoning By-law by allowing parking, including a required parking space, between the front site line and the principal building

Development Context

The subject site is currently undeveloped, and is located in the Bellafield Neighbourhood south of Maryland Avenue and east of 34th Street. The site is predominantly surrounded by low-density residential uses and undeveloped land. Hanlon Crescent, and Chipperfield and Ferraro Drives provide access to the site.

History

The site is part of the Bellafield Neighbourhood Phase 2 Stage 1 rezoning and subdivision applications approved in 2021.

ANALYSIS:

Approval of this application will allow for the following in the RSD Zone:

- development of special needs housing for four (4) persons, and
- parking within the required front yard between the front site line and the principal building

Conditional Use**Consistency with Part 7, Section 106(1)(b) of The Planning Act and Demonstration that the Use:****1. Will be compatible with the general nature of the surrounding area;**

The subject site is located in a new neighborhood where it is surrounded mostly by undeveloped lands. The Bellafield Neighbourhood Plan (“Neighbourhood Plan”) identifies the surrounding area as Residential Low Density uses, and the proposed use and its density would be compatible with future development in 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 building’s form and massing will be consistent with the existing residential buildings in the neighbourhood. The special needs housing will be staffed 24 hours a day to provide care for the residents. On-site parking is provided within the required front yard which requires a variance application (see “Variance” subsection for analysis).

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

The proposal conforms to the Brandon & Area Planning District Development Plan 2013 (Development Plan):

- 2.2.1—Site is within the “Residential” area in Map One: Urban Land Use of the Development Plan
- 2.2.2—Proposal provides a mixture of housing options in the neighbourhood

- 2.2.4 & 2.2.5—Proposed development will contribute to a range of housing density options in the neighbourhood, and increase density in close proximity to major institution, transit routes, open space areas and major collector streets

The proposal conforms to the Southwest Brandon Secondary Plan:

- 2.2.2.1—Site is designated as Residential Low Density
- 2.2.2.3—Proposal provides a mixture of housing types

The proposal provides two regular parking stalls, of which one must be accessible according to Section 26, Table 5 of the Zoning By-law. This will be a condition to this application. The proposed development complies with all other applicable requirements in the Neighbourhood Plan and the Zoning By-law, except for the parking within the required front yard between the front site line and the principal building. The applicant has applied for a variance concurrently to address the incompliance (see “Variance” subsection for analysis).

Variance

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 subject site is within the area of currently undeveloped lands. The proposed land use is residential and is consistent with the residential character of the currently developed parts of the neighborhood. There are some single-detached dwellings to the north of the subject site that have varying height elevations and attached garages.

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;**

Due to the unique context of this application, the requested variance will result in this site being different than others in the surrounding area by having no attached garage, resulting in all parking being only on the site’s driveway. That said, in newer neighbourhoods in the City, the sight of vehicles parked on the driveway even leading to garages is common. With parking demand for the proposed use anticipated to be commensurate to other uses typically permitted in the RSD Zone, the proposed use should not have any detrimental effects on 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**

The intent of prohibiting required parking spaces for low-density residential uses within the required front yards is to minimize vehicular-pedestrian conflicts (ULDS 3.3.b, 3.4.b). Specifically, if there were no required parking spaces beyond the required front yard, there is

a risk of additional vehicles parked on the driveway in a manner that they may block the sidewalk on a public street. The applicant designed the building with the understanding that the residents living there would not be driving themselves. Only visitors such as staff would be using the driveway to park their vehicles while on the site. This meant not including an attached garage, freeing up space for more living space in the building. Given the proposed use on the site, this is the minimum modification of a zoning by-law to relieve the injurious effect of the zoning by-law 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*

The area is designated "Residential" under the Development Plan and "Residential Low Density" under the Secondary Plan, and the proposal maintains this use. Apart from the variance request, the proposal complies with all other provisions in the Secondary Plan, Neighbourhood Plan, and the Zoning By-law.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

- Driveway width should be at least 6.6m within private property to accommodate one required accessible parking space and one required regular parking space
 - City administration recommends this be a condition of approval
 - Engineering Department further suggests an 8m-wide driveway within private property to better accommodate loading of accessibility vehicles

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 their proposal to the owners of nearby properties on January 19, 2023 and did not receive concerns when submitting the community participation report. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.