


TITLE: CONDITIONAL USE 1534 – 9 <sup>TH</sup> STREET LOT 33, BLOCK 2, PLAN 289 BLTO APPLICANT: TY WORTHINGTON OWNER: 10116050 MANITOBA LTD.		
MEETING DATE: April 19, 2023		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents, including public outreach report B. Map, air photo & drawings	
PRESENTER: Bernice Leyeza, Community Planner	MANAGER: Ryan Nickel, Director Planning & Buildings	

RECOMMENDATIONS:

That Conditional Use Application C-02-23 to allow for a duplex in an interior lot with a minimum site width of less than 15.2m in the Residential Single Detached (RSD) Zone be approved at part of 1534 – 9<sup>th</sup> Street (Lot 33, Block 2, Plan 289 BLTO) in accordance with the attached letter of intent “Attachment A-1” and site plan “Attachment B-3”, subject to the owner or successor:

1. Removing portions of the existing approach, including partial culvert removals, that are not required to facilitate the sidewalk connection to 9<sup>th</sup> Street;
2. Providing design details for the City of Brandon Engineering Department’s approval addressing increased site stormwater runoff;
3. Relocating, at their sole cost, the existing streetlight service line that currently crosses through 1534 – 9<sup>th</sup> Street; and
4. Submitting written confirmation to the City of Brandon Planning & Buildings Department the site (Lot 33, Block 2, Plan 289 BLTO) has its own title.

BACKGROUND:

*Request*

The applicant, Ty Worthington, is applying to allow for a duplex dwelling on an interior site in the RSD Zone on a property located at 1534 – 9<sup>th</sup> Street.

*Development Context*

An existing detached dwelling occupies the northern portion and a detached garage on the southern portion of the subject site located on the west side of 9<sup>th</sup> Street, between Richmond and Ottawa Avenues. A streetlight is located on the southeast corner of the site. The site is predominantly surrounded by low-density residential uses, with commercial uses along Richmond Avenue. 9<sup>th</sup> Street and a rear lane provide access to the site.

### *History*

The existing detached dwelling on the site was built in 1945.

### ANALYSIS:

The applicant is proposing to build a duplex dwelling on the southernmost lot with a width of 7.60m that will be title split.

#### *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 site is located in an area with predominantly low-density residential development. The proposed front-to-back duplex and parking in the rear yard are 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 building's design and layout are consistent with the existing residential developments in the neighbourhood (e.g. one-storey, parking in the rear yard), and therefore will not have negative impacts or effects on other properties or potential development in the surrounding area.

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 proposed development conforms to the Brandon & Area Planning District Development Plan 2013 (Development Plan):

- The subject site is within the area identified as "Residential" in Map One: Urban Land Use of the Development Plan (2.2.1);
- The development will contribute to a range of housing density options in the neighbourhood and increase density in close proximity to major institutions, schools, transit routes, open space area and major collector streets (2.2.4, 2.2.5)
- To accommodate part of the population growth within developed areas while ensuring contextually appropriate infill development (10.2.4)

The proposal also conforms to the bulk and siting requirements of the City of Brandon Zoning By-law. That said, for this conditional use approval to be valid, the applicant or property owner must, as a condition of approval, provide the City proof that they complete the title split to establish a narrow property.

*Commenting Agencies*

All comments, summarized below, are proposed to be conditions of approval:

*City of Brandon*

- Property owner to remove the portion of the existing approach, including partial culvert removals, that are not required to facilitate the sidewalk connection to 9<sup>th</sup> Street
  - All boulevard repairs are to be completed with sod, this includes removal of the approach the south side of the sidewalk out to 9<sup>th</sup> Street and cut back the culvert
  - Engineering Department suggests that the sidewalk can be connected to the existing street edge of pavement for the multi-use path connection
- Property owner to mitigate increased stormwater runoff from development site
- Property owner to relocate, at their sole cost, the existing streetlight service line that currently crosses through 1534 – 9<sup>th</sup> Street

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 owners of nearby properties on April 20, 2022 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.