


TITLE: BY-LAW NO. 7359 TO REZONE PROPERTY LOCATED AT 923 10 th STREET (LOT 7&8 BLOCK 45 PLAN 16) OWNER: RUBY ASHBY APPLICANT: KENDRA PREVOST		
MEETING DATE: June 21, 2023		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. By-law No. 7359 B. Application related documents C. Map, air photo & drawings D. Community Engagement Report	
PRESENTER: Sonikile Tembo, Principal Planner	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

That the Planning Commission recommend City Council approve By-law No. 7359 in accordance with the attached letter of intent "Attachment B-1" and site plan "Attachment C-3", with a condition that:

- All required parking spaces from the back lane have a depth of 7.3m to account for narrow lane width

BACKGROUND:

Request

The applicant, Kendra Prevošt, is applying on behalf of the owner, Ruby Ashby, to rezone the property located at 923 10th Street from Residential Low Density (RLD) to Commercial Neighbourhood (CN). Approval of this application will allow for establishment of a hair salon in the existing building with no external building changes.

History

The house to be used for the business was built in 1947 and has functioned as a residential dwelling.

Development Context

The proposed location on 10th Street has a variety of uses such as residential, commercial and institutional on the same block, with higher density in surrounding blocks. Primary access to the site is from the back lane. The front driveway does not comply with city standards and would need to have an extra 6m to be considered for parking. There is a transit route on 10th Street.

ANALYSIS:

Approval of this application will allow for the existing home to be used as a hair salon business.

Consistency with the Development Plan

- 3.2.7 Neighbourhood Commercial Developments:
 - a. The proposed rezoning supports the provision of more small scale commercial operation primarily serving local neighbourhood and
 - b. appropriate provisions have been made for off street parking spaces, and
 - c. the building (since no external change is proposed) will be in character with the appearance of the surrounding residential neighbourhood.
 - d. Design of the site should consider impact on surrounding residences through the provision of sufficient buffering and building/parking placement. Since parking is the main impact on the neighbourhood, the site provides 4 parking from the back lane (2 extra since they are only required to provide 2 parking spaces according to TABLE 4 in the Zoning Bylaw)

Consistency with the Zoning By-law

- The site is currently zoned RLD, and requires rezoning to CN to allow for the proposed development
- The proposed development generally meets the bulk and siting requirements of the Zoning By-law

Commenting Agencies

All comments have been addressed and summarized below.

Building Safety

Extensive upgrades required to the existing dwelling unit to bring it up to commercial requirements.

- The existing floor joist would have to be structurally re-enforced to bring the load rating up to 100lb per sqft from 40lb per sqft.
- A Barrier-Free pedestrian entrance is required. This would require a ramp to at least one entrance and a power operated door operator at the entrance.
- A Barrier-Free path of travel is required throughout the main floor.
- A Barrier-Free washroom or Universal Toilet Room is required.
- Emergency Lighting would be required.

The above requirements can be covered under a building permit once the change of use for the property has been approved

Engineering

- All required parking spaces must be from the back lane only since the current front parking spaces do not comply with the 12.2m total length required for an aisle and parking space without taking down the front fence (6.1m for the parking space and 6.1m for the aisle).

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 168 of The Planning Act, notice of the public hearing was sent to owners of property within 100 metres (328 feet) of the subject property. Notice was also posted on the subject property and advertised in the Brandon Sun on June 8, 2023 and June 15, 2023.

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicant mailed letters to nearby property owners in April 2023, and had conversations with some property owners (Attachment D). Comments were received regarding taking down the trees in the front yard and putting up a new fence, both of which the owner plans on doing. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.