


TITLE: VARIANCE 725 VAN HORNE AVENUE OWNER: 5853452 MANITOBA LTD. APPLICANT: BRIAN DORNN		
MEETING DATE: May 17, 2023		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Bernice Leyeza, Community Planner	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That Variance Application V-03-23 to vary Subsection 51 (Table 10) of the Zoning By-law by reducing the front yard setback from 7.6m to 3.0m for an accessory building in the Residential Moderate Density (RMD) Zone be approved at 725 Van Horne Avenue (Lots 1/5 and Part Lots 27/30, Block 71, Plan 8 BLTO, Parcel A, Plan 43705 BLTO, and Parcel A, Plan 51401 BLTO) in accordance with the attached letter of intent “Attachment A-2” and the attached site plan “Attachment B-3”, subject to the owner or successor:

1. Installing solar panels on the roof of the accessory building within one (1) year of obtaining a building permit for said building;
2. Providing edge landscaping, with emphasis on planting small trees/shrubs, in front of the accessory building;
3. As part of a building permit application, updating the site plan to show a walkway extension from the principal building to the accessory building;
4. Dedicating a portion of the accessory building to the tenants for storage space; and
5. Mitigating the increased stormwater runoff for a 100-yr post-development event while restricting discharge to that of a 5-yr pre-development event.

BACKGROUND:

Request

The applicant, Brian Dornn, on behalf of the property owner, 5853452 Manitoba Ltd., is applying to vary Subsection 51 (Table 10) of the City of Brandon Zoning By-law No. 7124 to decrease the minimum front yard setback of an accessory building from 7.6m to 1.4m for a property located at 725 Van Horne Avenue in the Residential Moderate Zone. Approval of this application will allow for an accessory storage building with solar panels on its rooftop.

Development Context

The site is bound by Van Horne Avenue to the south, the CN rail line along the northwest, and 621 – 7th Street to the east. The site is surrounded by detached dwellings and light industrial to

the east and detached and medium density dwellings to the south. General commercial uses are located to the north and west on the north side of the rail line.

History

In 2018, Council rezoned the site from Industrial Restricted to Residential Moderate Density, and the Planning Commission approved a variance request to reduce the required front yard setback from 4.6m to 3.0m and the Railway Protection Overlay Zone from 30.9m to 18.5m.

In 2022, the applicant applied for another variance request to reduce the permitted obstruction of balconies from 4.0m to 1.4m, which the Planning Commission approved.

ANALYSIS:

The applicant is proposing to build an accessory building for solar panels and tenant storage space that would be 1.4m from the front site line.

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 a mix of predominantly residential and light industrial developments. The proposed development is unique to the surrounding area, but the applicant's primary desire is to build the accessory building, with solar panels on its rooftop, that is setback 1.4m away from the front property line. This is to ensure solar panels will get the maximum hours of sunlight on the site.

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;

Decreasing the setback of an accessory use from 7.6m to 1.4m should not be detrimental to the welfare of people living in the area or negatively affect other properties or potential development in the surrounding area. Accessory buildings, typically being smaller than surrounding principal buildings, have different setback requirements than the principal building to prevent nuisances, such as the disruption of natural lighting or ventilation, to neighbouring properties.

Accessory buildings still have setbacks from especially front site lines to ensure they are less dominant than the principal building. City administration therefore recommends that the Planning Commission only approve a setback reduction to 3.0m for the proposed use, ensuring alignment with the existing apartment building on site.

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*

This is not the minimum modification to relieve the injurious effect of the Zoning By-law on the applicant's property. However, City administration recognizes that the proposed development is aligned with one of City Council's priorities (i.e. address the long-term impact and sustainability of the environment).

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 proposed development conforms to the Brandon and Area Planning District Development Plan, to promote the establishment and use of renewable energy (12.2.4). Apart from the variance request, the proposal conforms to all bulk and siting requirements in the Zoning By-law.

The site plan should indicate walkway connection from the parking lot and principal building to the accessory building to improve pedestrian connection within site, which will be a condition to this application. The proposed development will also eliminate greenspace from the site, and, in keeping with the intent of Section 3.2 Amenity Spaces under the Urban & Landscape Design Standards Manual, a portion of the storage space should become an alternative storage space for the building tenants, which will also be a condition to this application.

Commenting Agencies

All additional comments have been addressed and summarized below.

City of Brandon

- Solar panels to be installed within one (1) year of issuance of a building permit for the accessory building
- Applicant will have to do edge landscaping, with emphasis on planting small trees/shrubs in front of the accessory building
- Mitigate the increased stormwater runoff for a 100-yr post-development event while restricting discharge to that of a 5-yr pre-development event
- Revised engineered lot grading and drainage building plan, to be submitted during building permit stage
- East facing wall will have to be fire-rated not less than 45 minutes and be clad with non-combustible cladding.
 - Applicant may instead move the accessory at least 0.3m to the west to waive the non-combustible cladding requirement

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, no additional public outreach effort is required, as the variance to the Zoning By-law is not resulting in the increase of intensity or density of use on the site. However, the applicant did a door-to-door canvass in the area and the neighbours are in favour of the application as the proposed development would act as a barrier for people cutting through the site.

As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.