


TITLE: <p style="text-align: center;">           VARIANCE            108 – 26<sup>TH</sup> STREET NORTH            OWNER: CITY OF BRANDON            APPLICANT: ALEXIA STANGHERLIN         </p>		
MEETING DATE: July 5, 2023		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Andrew Mok, BES RPP MCIP	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That Variance Application V-06-23-B to vary Table 18 under Section 65 of the Zoning By-law by reducing the required front yard from 3.0m to 1.6m, and Subsection 39(b) to allow for a security fence, in the Educational & Institutional (EI) Zone be approved at 108 – 26<sup>th</sup> Street North (Lots 1/10, Block 104, Plan 15 BLTO) in accordance with the intent of the attached letter of intent “Attachment A”, site plan “Attachment B-3” and detail plan “Attachment B-7”.

BACKGROUND:

*Request*

The applicant, Alexia Stangherlin of the City of Brandon, is applying to vary the following under the City of Brandon Zoning By-law No. 7124 to enable development of an expansion of the Water Treatment Facility at 108 – 26<sup>th</sup> Street North in the Educational & Institutional (EI) Zone:

- Reducing the required front yard from 3.0m to 1.6m
- Allow for a security fence

*Development Context*

The subject site is currently home to both the Brandon Water Treatment Facility and part of Queen Elizabeth Park, and is located at the northwest corner of the 26<sup>th</sup> Street/McDonald Avenue intersection. The terrain drops considerably north of the Water Treatment Facility into the Assiniboine River floodplain, the river creating a hard edge to the north. Uses surrounding the site include low-density residential to the east, south and west, and recreational lands to the northeast. 26<sup>th</sup> Street and McDonald Avenue provide access to the site.

*History*

The Brandon Water Treatment Facility was first built between 1905 and 1946, with additions built in 1958, 1976, and 1997. The City recently obtained federal and provincial funding to further expand the facility to meet the City’s future water needs.

ANALYSIS:

The applicant is proposing to expand the Water Treatment Facility to provide additional capacity for the City's future growth and to improve water treatment for the community. This requires variances to reduce the required front yard for a building addition, and to allow for security fencing for electrical equipment on site supporting the facility (Attachments A and B-3).

*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 Water Treatment Facility has existed on this site for over 100 years, coexisting with nearby residential uses for almost the same length of time. The proposal does not change the compatibility of the site 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;*

All the treatment operations proposed in the building addition will be indoors and protected from the public and surrounding area, ensuring the expanded operations do not have detrimental effects on the surrounding area. As for the proposed security fence, though highly visible and not typically adjacent to a residential area, the fencing is a necessary protective measure for new electrical equipment to be placed on site to support the expanded facility. With the additional electrical equipment being permitted, the security fence itself will ensure there are no detrimental effects on the surrounding area that may result due to unauthorized access to the equipment.

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 existing facility is already built close to McDonald Avenue partly due to the topography of the site, and the west side of the existing building is the most feasible option for a building addition. With limited space and the facility already built close to McDonald Avenue, the requested front yard reduction is the minimum modification of the Zoning By-law required to relieve its injurious effect on the applicant's property.

The new electrical equipment must be built near the building addition. Though accessory electrical equipment is permitted in the EI Zone, security fencing, required to protect both the equipment and the public, is by default not permitted. The requested variance to allow for security fencing is 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*

The proposal is consistent with the Brandon & Area Planning District Development Plan as follows:

- 5.2.1—Site located in “Institutional” designated area as shown on Map 1: Urban Land Use
- 5.2.2—Expansion of facility staying on same corner of 26<sup>th</sup> Street/McDonald Avenue intersection

Other than the applicant’s two variance requests, the proposal otherwise complies with the Zoning By-law, such as other setbacks and building height.

*Commenting Agencies*

The City did not receive any comments of significant concern related to the variance requests.

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, public outreach is not required as, despite the variance requests being related to increasing the intensity of a use on site, increasing the intensity of the use, namely expanding the Water Treatment Facility, is permitted as of right. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.

CONCLUSION:

The Planning & Buildings Department recommends the approval of the variance requests for a required front yard reduction and to allow for security fencing on an EI Zone site. The Planning Commission must close this public hearing before it can render a decision on this application.