


TITLE: <p style="text-align: center;">           VARIANCE            759 – 6<sup>TH</sup> STREET            (LOTS 28, 29 AND 30 BLOCK 60 PLAN 8 BLTO)            OWNER: JEFFREY ROSS &amp; JENNIFER ROSS            APPLICANT: STONE &amp; SKY DEVELOPMENTS (ERIC OLSON)         </p>		
MEETING DATE: October 4, 2023		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Development Review Group Report	
PRESENTER: Sonikile Tembo, Principal Planner	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That Variance Application V-10-23 to vary Note 9 of Table 10 under Section 51 of the Zoning By-law by decreasing the required reverse corner side yard from 4.6m to 3.0m and the required front yard from 4.6m to 3.0m, and to vary Subsection 22(b) by decreasing the required distance between two principal buildings in one site from 4.2m to 2.9m in the Residential Moderate Density (RMD) Zone be approved at 759 – 6<sup>th</sup> Street (Lots 28/30, Block 60, Plan 8 BLTO) in accordance with the letter of intent “Attachment A” and attached site plan “Attachment B-3, subject to the owner or successor entering into a development agreement with the City of Brandon with the following conditions:

1. Upgrade the boulevard (e.g. installing curb and gutter) and construct a public sidewalk along the north side of College Avenue for the entire length of the site. The design and construction shall conform to City’s standard construction specifications and to the satisfaction of the City Engineer;
2. Provide mitigation measures to the pre- and post-development drainage runoff from the site that is equivalent to both 5-year and 100-year events; and
3. Indicate relocated hydro pole location on the site related plans, subject to Manitoba Hydro approval prior to issuance of a development permit, and relocating said pole prior to issuance of an occupancy permit.

BACKGROUND:

*Request*

The applicant, Eric Olson of Stone & Sky Developments, on behalf of the property owners, Jeffrey and Jennifer Ross, is applying to vary the Note 9 of Table 10 under Section 51 of the City of Brandon Zoning By-law No. 7124 by decreasing the required reverse corner side yard from 4.6m to 3.0m and the required front yard from 4.6m to 3.0m, and to vary Subsection 22(b) by decreasing the required distance between two principal buildings in one site from 4.2m to 2.9m for property located at 759 – 6<sup>th</sup> Street in the Residential Moderate Density (RMD) Zone.

Approval of this application will allow for the development of a building with eight (8) dwelling units alongside an existing detached dwelling.

### *Development Context*

The subject site currently has a detached dwelling, and is located on the northeast corner of the 6<sup>th</sup> Street/College Avenue intersection. Uses surrounding the site include lower density residential developments to the north and west, moderate density residential developments to the south across College Avenue, and light industrial uses to the east across the lane. The site is within walking distance to some commercial services along 6<sup>th</sup> Street, two transit stops, and some places of worship. The lane provides access to the site.

### *History*

The existing single detached building was built in the 1890's. The Planning Commission previously approved a variance application to replace the existing detached dwelling with a ten-dwelling-unit building on site, but that applicant did not pursue construction.

### ANALYSIS:

The applicant is proposing to retain the detached dwelling on site and develop a three-storey, eight-dwelling unit building south of the existing dwelling.

### *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;*

There are only a few reverse corner sites in the surrounding area (further west on College Avenue), and those sites have limited corner side yard setbacks. Although the proposed front yard setback is much closer to the front site line, the site to the west (762 – 6<sup>th</sup> Street) has a similar front yard setback. From a building code perspective the distance between buildings can be reduced as long as the north wall of the proposed building has an appropriate fire rating. The surrounding area also has older housing stock with setbacks between each other less than what both the Zoning By-law and Manitoba Building Code require today. The proposal is therefore 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 purpose of a reverse corner setback is to accommodate utility easements, as they can be up to 4.0m deep from a property line where properties front on that street. However, there are no utilities along the south site line. The reduction of the required front yard will accommodate an entryway into the building for on-site residents, as well as required on-site

parking off the lane, without compromising other key setbacks like the corner visibility triangle at the 6<sup>th</sup> Street/College Avenue intersection. Regarding the distance between principal buildings, the applicant does not intend to demolish the existing house, and the Manitoba Building Code ensures that the new building is built to a higher standard to minimize risk of fire jumping from one building to another.

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*

Given the siting of the existing detached dwelling on the site, the only other option to comply with the reverse corner side yard and the distance between principal buildings is to demolish the detached dwelling, which is still in good condition and usable as a dwelling unit. The lane has a substandard width, and the City requires the applicant to provide deeper parking spaces to compensate for the narrow lane, resulting in a need to reduce the required front yard. The requested variances are therefore the minimum modifications 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 area is designated "Residential" under the Development Plan, and the proposal maintains this use. Apart from the variance request, the proposal complies with all other provisions in the Zoning By-law.

#### *Commenting Agencies*

All comments have been addressed or included as conditions.

#### 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 does not result in the increase of intensity or density of the use of a site. However, the applicant has been in contact with some adjacent neighbors about the proposed change in use and has not received opposition. As of the writing of this report, the Planning, Property & Buildings Department has not received representation in favour of or in opposition to this application.