


TITLE: <p style="text-align: center;">           VARIANCE            353 16<sup>th</sup> STREET N            (LOT 1/14, BLOCK 8, PLAN 228 BLTO)            OWNER &amp; APPLICANT: CITY OF BRANDON         </p>		
MEETING DATE: October 18, 2023		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Community Engagement Report D. Additional Information – Project Report	
PRESENTER: Sonikile Tembo, Principal Planner	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That Variance Application V-13-23 under Clause 97(2) of The Planning Act to establish a Sobering Center as substantially similar to a hospital, which is a permitted use in the Educational and Institutional (EI) Zone under Table 17, Section 64 of the Zoning By-law, be approved at 353 16<sup>th</sup> Street North (Lot 1/14, Block 8, Plan 228) in accordance with the attached letter of intent “Attachment A” and the site plan “Attachment B”.

BACKGROUND:

*Request*

The applicant, Shannon Saltarelli of The City of Brandon, is applying to change a land use to a use substantially similar to a hospital, permitted in the Educational and Institutional (EI) Zone. Approval of this application will allow for a Sobering Centre (*classified as “Health care and social assistance” in the NAICS – North American Industry Classification System*).

*Development Context*

The site is currently vacant, with previous approvals for transitional housing with support services. It is located at the southeast corner of the 16<sup>th</sup> Street North/McGregor Avenue intersection. Uses surrounding the site are predominantly commercial on the west side, including the recently approved Family Reunification Center, industrial on the south and east side, and green space and the dike on the north side. Both McGregor Avenue and 16<sup>th</sup> Street North provide access to the site.

*History*

The site exists on a Methane Gas zone. It was rezoned in 2023 to Educational Institutional to permit the development of transitional housing. Since the existing approvals were only for transitional housing, the proposal for sobering center use has to go through the variance process for approval on the site.

ANALYSIS:

Approval of this application will allow for a sobering center – as outlined in the applicants letter of intent, a trauma informed safe supportive service supervised facility designed for short term care of publicly intoxicated persons until they are sober (usually about 24 hours).

*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;*

Locating the sobering centre on the same site and as part of the transitional housing development aligns with the report recommendations from the Canadian Mental Health Association (Attachment D). The advantages of locating a sobering centre in the same facility as transitional housing allows clients access to transitional housing options and supports in the same building. The surrounding area is zoned for commercial and industrial uses with a few existing lawfully non-conforming residential dwellings. The impact of the proposed use, including hours of operating and traffic volumes is compatible with a commercial/industrial 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 use will operate 24/7 where primarily the police and paramedics will be dropping off clients to use the facility. Drop offs will be for clients in non-emergent situations and therefore should result in limited noise nuisance (i.e. sirens) for the surrounding area. Partnerships are in place to cater for drop off and pick up of individuals using the facility. More on the operation of the site in Attachment D.

*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*

As per the Planning Act Section 97(2), "a variance order must not be made if it makes a change of land use other than a change of land use to a use that is substantially similar to a use permitted under the zoning by-law being modified by the variance." Since the proposed land use is not in the Educational and Institutional table (Table 17) in the City of Brandon Zoning By-law, but will function similar to a hospital, which is permitted in the EI Zone, the variance request is the minimum modification of the Zoning By-law.

4. *Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law*

*Consistency with the Development Plan*

- 5.2.1(b): Smaller scale institutional facilities may be allowed in other areas provided that the scale and type of development are reasonably compatible

*Consistency with the Assiniboine Gardens Secondary Plan*

- 2.2.1: Site is designated as Employment Lands and provides a range of services

*Consistency with the Zoning By-law*

- Apart from the proposed variance, the proposed land use complies with all applicable provisions in the Zoning By-law

*Commenting Agencies*

All comments have been addressed. Previous application on the site is the rezoning to EI, and all conditions on that application run with the site.

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 reached out to the public regarding the proposal and discussed concerns. Public Outreach report can be found in Attachment C. As of the writing of this report, the Planning & Buildings Department has not received representation in opposition to this application and one letter in favor from the Riverbank Discovery Center.