


<b>TITLE:</b> <b>VARIANCE</b> <b>817 ROSSER AVENUE</b> <b>OWNER: ETRUSCAN HOLDINGS LTD.</b> <b>APPLICANT: BRANDON NEIGHBOURHOOD RENEWAL CORPORATION (RUSHANA NEWMAN)</b>		
<b>MEETING DATE:</b> November 1, 2023		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Public outreach report D. Letter of Support E. Objection Letter	
<b>PRESENTER:</b> Andrew Mok, BES MCIP RPP	<b>MANAGER:</b> Sonikile Tembo, Principal Planner	

**RECOMMENDATIONS:**

That Variance Application V-14-23 under Clause 97(2) of The Planning Act to allow for a 24 –hour drop-in centre as a use similar to a community centre in the Downtown Mixed Use (DMU) Zone be approved for one year at 817 Rosser Avenue (Part Lots 1/5, Block 76, Plan 2 BLTO) in accordance with the attached letter of intent “Attachment A-1 and A-2”.

**BACKGROUND:**

***Request***

The applicant, Rushana Newman of Brandon Neighbourhood Renewal Corporation (BNRC), on behalf of the property owner, Etruscan Holdings Ltd., is applying to allow for a 24-hour drop-in centre as a use similar to a community centre under the City of Brandon Zoning By-law No. 7124 for property located at 817 Rosser Avenue in the Downtown Mixed Use (DMU) Zone.

***Development Context***

The subject site currently has a one-storey building taking about the southern three-fifths of the site, with the remainder being a parking lot, and is located on the north side of Rosser Avenue between 8<sup>th</sup> and 9<sup>th</sup> Streets. It is immediately east of a north-south lane that provides parking access both for this site and for 803 Rosser Avenue immediately to the east. Uses surrounding the site include a variety of commercial and institutional uses such as retail, personal services, and training/education facilities on all sides, with some buildings having residential uses in the upper storeys as well. The site is a short walk from the Brandon Transit Station. Rosser Avenue provides pedestrian access to the site, while the north-south lane between Rosser and Pacific Avenues provides vehicular access to the site.

***History***

The site has had multiple tenants over the years, one of the most recent ones being the Brandon branch of the Canadian Red Cross.

### **ANALYSIS:**

Table 13 under Section 58 of the Zoning By-law permits community centres in the DMU Zone. The drop-in centre currently exists at 31A 9<sup>th</sup> Street as The Blue Door, but the current facility is smaller and only operates during the day. The applicant recently secured provincial funding to expand the drop-in centre's operations. The centre, to be open 24 hours a day, will offer clients a range of services such as assistance with ID and birth certificate applications, referrals to essential spaces and resources, and a space for relaxation and socialization with peers and support workers.

### ***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 central downtown area already has a diverse mix of businesses and services catering to different segments of the city's population, and this proposed use already exists at, and will move from, the nearby O-block of 9<sup>th</sup> Street. The proposed use fulfills a current and urgent need in the community as we approach winter months. Administration is thereby recommending approval only for a year since Rosser Avenue is a commercial corridor and more appropriate for commercial use.

**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 provide clients, including the houseless population in the city, a safe space to relax and seek some services or supports. Having the use operating at night is especially helpful, as it provides a safe space option for people who may otherwise be at risk of conflict with other people living or working in the downtown area while on the street. The proposed use would also help mitigate health issues for clients associated with staying outdoors especially during the winter. The proposed use therefore should not have detrimental effect to people or properties in the surrounding area, but benefit the area by providing a space for people who may otherwise be on the street.

**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 Zoning By-law has no definition for "community centre", but dictionaries define "community centre" as "a place that is specially provided for the people, groups, and

organizations in a particular area, where they can go in order to meet one another and do things.”

The Zoning By-law does not explicitly define or identify in use tables “drop-in centre”. However, based on the applicant’s description of the proposed use in their letter of intent (Attachment A-1 and A-2), the proposed use’s activities appear consistent with the definition of “community centre”. The Blue Door was previously categorized as an Office which is permitted in the Downtown, however the change of operations to include overnight service necessitated a change of use. The proposed variance to allow for a use similar to a permitted use therefore 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***

**Development Plan**

- 7.2.1—site located within “The HUB” designation under Map 1—Urban Land Use, therefore Downtown Brandon Secondary Plan applies

**Downtown Brandon Secondary Plan**

- 4.7.2(a)—support social service providers in providing services meeting needs of vulnerable populations in the downtown area
- 4.7.2(b)—support BNRC actions to implement the Central Brandon Community Plan, such as supporting social enterprise development
- 6.2.2 (a) – Multi-storey commercial or mixed use developments should locate along the commercial corridors (Rosser Avenue, Princess Avenue, 9<sup>th</sup> and 10<sup>th</sup> Streets)

**Zoning By-law**

- Proposed use in an existing building on the site complies with all other Zoning By-law requirements

***Commenting Agencies***

The City did not receive any comments of significant concern.

**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 engaged surrounding residents and owners on the proposed use and received mostly positive feedback (Attachment C). As of the writing of this report, the Planning & Buildings Department has received one letter of support (Attachment A) and one letter of objection (Attachment E).

**STRATEGIC ALIGNMENT:**

Though the Planning Commission is independent of City Council, and City Council’s 2023-2026 Strategic Plan has no legal effect under The Planning Act, City administration believes referring to the Strategic Plan provides helpful context. One of the Strategic Plan priorities is to “[w]ork collaboratively to address the evolving trauma-informed opportunities within the community, of which two of the strategies is to “[a]ctively lobby for continuum of care treatment” and “[e]nsure the safety of people”. Thanks to provincial funding, the applicant is able to expand The Blue Door to a larger space and to operate both day and night.