


TITLE: <p style="text-align: center;">VARIANCE          501 ROSSER AVENUE          OWNER: FPCN GENERAL PARTNER INC.          APPLICANT: DINGU INC. (MIT PATEL)</p>		
MEETING DATE: November 1, 2023		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Letter of support	
PRESENTER: Andrew Mok, BES MCIP RPP	MANAGER: Sonikile Tembo, Principal Planner	

**RECOMMENDATIONS:**

That Variance Application V-15-23 to vary Subsection 37.1(a) of the ZBL by increasing the gross floor area of manufacturing goods for sale from 465.0m<sup>2</sup> to 1,830m<sup>2</sup>, and Subsection 37.1(b) of the ZBL by decreasing the minimum amount of gross floor area dedicated to an associated commercial use from 10% to 0.0% to allow for the manufacturing of stationery in the Downtown Mixed Use (DMU) Zone be approved at 501 Rosser Avenue (Lots 1/8 and 19/26 and Closed Lane, Block 73, Plan 2 BLTO; Parcel A, Plan 24831 BLTO) in accordance with the attached letter of intent "Attachment A-1".

**BACKGROUND:**

*Request*

The applicant, Mit Patel of Dingu Inc., on behalf of the property owner, FPCN General Partner Inc., is applying to vary the size-related provisions governing manufacturing of goods for sale under the City of Brandon Zoning By-law No. 7124 to allow for the manufacturing of stationery for property located at 501 Rosser Avenue in the Downtown Mixed Use (DMU) Zone.

*Development Context*

The subject site currently has a building complex that previously housed the Brandon Sun newspaper with its offices, distribution facility and, even further back, on-site printing facility, and is located on the north side of Rosser Avenue between 5<sup>th</sup> and 6<sup>th</sup> Streets. The site gently slopes downhill towards a gravel-surface public lane to the north. Uses surrounding the site include vacant land to the north and a variety of commercial uses, such as retail, personal services, and restaurants, along with unoccupied building spaces, around the rest of the site. 6<sup>th</sup> Street and Rosser Avenue provide both pedestrian and vehicular access to the site. There is also a warehouse door on the east side of the building accessing 5<sup>th</sup> Street.

### *History*

The Brandon Sun operated on this site for almost six decades, but began scaling back operations on site a few years ago. They first ceased on-site printing operations in 2010, and then completely moved its offices off-site in 2022. The building has remained vacant since Brandon Sun's relocation.

### ANALYSIS:

The applicant proposes to operate a stationery manufacturing business, using the existing buildings on the site. The business will initially manufacture envelopes, but may expand to other business paper products. The business will operate under a business-to-business sales model. Therefore, though there will be offices for staff, there will not be a retail component on site. Trucks will access the site daily to provide raw materials and ship finished products.

### *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 site has had some form of light industrial use on site while the Brandon Sun was on site. This includes printing newspapers until 2010, and being a transshipment and delivery point for newspapers even after 2010. The previous Brandon Sun use occurred in the midst of various commercial uses around the site over the decades. The proposed use would be similar to the previous newspaper business use, and therefore will be 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;*

While the Brandon Sun was operational on site, the previous use generated both small-vehicle and truck traffic associated with its business, the latter to print and distribute newspapers. The proposed stationery manufacturing use intends to use existing building space for its operations, will likely generate similar traffic and noise levels comparable to the prior newspaper operations, and has room on site for loading of trucks. The proposed use therefore will not have any detrimental effects to people or properties in the surrounding area.

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 intent of the provisions related to manufacturing of goods for sale is to allow for some industrial uses in an otherwise commercial area, and to encourage such businesses to sell their products on site in retail form. Though some uses like bakeries and microbreweries fully fit the intent, the proposed use does not due to the size of the manufacturing operation and the lack of on-site retail associated to the goods to be manufactured on site. Despite not meeting the intent, the proposed use will utilize an otherwise vacant building, built before current Zoning By-law regulations were in place, in the downtown area that was tailored to accommodate operations that had both office and light manufacturing uses, namely a newspaper business. Because the proposed use will use the existing building and not involve any future building additions, the requested variance 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

- 6.2.2(d)—encourage manufacturing of goods for sale on site
- 4.4.4(a)—though proposed use not located on a brownfield site, proposed use meets intent of this policy by reusing an otherwise underutilized building

Zoning By-law

- Notwithstanding the requested variances, proposed use will comply with other aspects of the Zoning By-law by reusing an existing building with no site modifications proposed

*Commenting Agencies*

All comments have been addressed and summarized below.

City of Brandon

Truck traffic associated with the proposed use shall use Pacific Avenue and comply with regulations associated with a Class A road. The City can address this under a building permit to establish the use in the building.

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 the proposed use will not increase in density or intensity compared to the previous use. As of the writing of this report, the Planning & Buildings Department received one (1) comment in support (Attachment C) and no representation in opposition to this application.