


TITLE: <p style="text-align: center;">VARIANCE 302 – 8th Street OWNER: Onyebuchi Onuke APPLICANT: Brandon Neighbourhood Renewal Corporation (Rushana Newman)</p>		
MEETING DATE: December 6, 2023		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Public outreach report	
PRESENTER: Andrew Mok, BES MCIP RPP	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That Variance Application V-16-23 under Clause 97(2) of The Planning Act to allow for an overnight drop-in centre as a use similar to a community centre in the Downtown Mixed Use (DMU) Zone be approved at 302 – 8th Street (Lots 9/10, Block 27, Plan 2 BLTO) in accordance with the attached letter of intent “Attachment A”.

BACKGROUND:

Request

The applicant, Rushana Newman of Brandon Neighbourhood Renewal Corporation (BNRC), on behalf of the property owner, Onyebuchi Onuke, is applying to allow for an overnight 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 302 – 8th Street in the Downtown Mixed Use (DMU) Zone.

Development Context

The subject site currently has a church and is located at the southwest corner of the Lorne Avenue/8th Street intersection. Uses surrounding the site are a mix of commercial, institutional and residential, including a place of worship across 8th Street, low- and high-density residences, and support and personal services. The lane provides vehicular access and 8th Street provides pedestrian access.

History

This building previously was a Freemasons lodge, and is currently home to a church under Love in the City International Ministries Inc.

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 – 9th 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 during the day at the existing location and overnight at the subject site, 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 downtown area already has a diverse mix of businesses and services catering to different segments of the city's population. The proposed use fulfills a current and urgent need in the community as we approach the winter months.

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 for various reasons such as trespass. 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 "office" permitted Downtown, however the change of operations to include overnight service necessitates a change of use classification. 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

Zoning By-law

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

Commenting Agencies

The Planning & Buildings Department 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). The applicant received concerns around safety, garbage, unsightly conditions, and loitering. As of the writing of this report, the Planning & Buildings Department has received two letters of support (Attachment C-3 and C-4) and no representation in opposition.

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.