


TITLE: VARIANCE 353 – 16 TH STREET NORTH OWNER: JOHN HOWARD SOCIETY OF BRANDON INC. APPLICANT: CITY OF BRANDON (AMANDA DUPUIS)		
MEETING DATE: March 19, 2025		Page 1 of 5
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Public outreach report	
PRESENTER: Andrew Mok, BES RPP MCIP	MANAGER: Sonikile Tembo, RPP MCIP, Principal Planner	

RECOMMENDATIONS:

That Variance Application V-02-25 to vary Table 18 under Section 65 of the City of Brandon Zoning By-law No. 7124 to reduce the required east interior side yard from 3.0m to 0.0m, and under Clause 97(2)(b) of The Planning Act to establish a sobering centre as substantially similar to a hospital, which is a permitted use, both in the EI Educational & Institutional Zone be approved at 353 – 16th Street North (Lots 1/14, Block 8, Plan 228 BLTO) in accordance with the attached letter of intent “Attachment A” and site plans “Attachments B-3 and B-4”.

BACKGROUND:

Request

The applicant, Amanda Dupuis of City of Brandon, on behalf of the property owner, John Howard Society of Brandon Inc., is applying for property located at 353 – 16th Street North in the EI Educational & Institutional Zone:

- To vary Table 18 under Section 65 of the City of Brandon Zoning By-law No. 7124 by reducing the required east interior side yard from 3.0m to 0.0m
- Pursuant to Clause 97(2)(b) of The Planning Act, to allow for a sobering centre as a land use substantially similar to a hospital, which is permitted under the City of Brandon Zoning By-law No. 7124

Approval of this application will allow for, respectively, the completion of the current supportive housing development and its associated subdivision application (the subdivision application triggered to enable funding arrangements to complete the project), brought before City Council at the March 17, 2025 meeting, and the future development of the sobering centre.

Development Context

The subject site is currently under construction, with most of the site for the John Howard Society of Brandon's supportive housing project. Surrounding uses include vacant land and a vacant house to the north, undeveloped land to the east, commercial to the south and further west, and some detached dwellings to the southwest. 16th Street North provides access to the site, though the site also fronts McGregor Avenue.

History

The site was rezoned in 2023 to enable development initially of John Howard Society of Brandon's supportive housing project. Later in 2023, the City approved a subdivision for the City to retain ownership of a small portion of land now known as 341 – 16th Street North. Also later in 2023, the City approved a variance to enable the future development of a sobering centre in addition to the supportive housing. Construction for the supportive housing project began in 2024.

ANALYSIS:

Approval of this application will allow for two things. The first request is to enable temporary subdivision of the site to enable funding arrangements to complete the supportive housing project currently under construction. The proposed subdivision will be against the building's current east side wall, separating between the supportive housing under construction and the future sobering centre to be built adjacent to the supportive housing.

The second request will allow for a sobering centre, 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). As the applicant notes in their letter of intent, though the previous variance application was successful in 2023, due to a combination of lack of progress to develop the sobering centre at the same time as the supportive housing and lack of applying for an extension to the prior Variance Order V-13-23, the applicant has to apply for a new variance again.

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;

On the proposed required side yard reduction, there are some non-residential buildings, such as at nearby 305 and 325 – 18th Street North that appear on the outside to be a single building but have a shared property line running through the building. A 0.0m side yard to facilitate construction of two different uses adjacent to each other as a single building in the future is therefore compatible with general nature of the surrounding area.

On the proposed use, locating the sobering centre on the same site and as part of the supportive housing development aligns with recommendations from the Canadian Mental Health Association. The advantages of locating a sobering centre in the same facility as supportive housing allows clients access to supportive 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 or 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;

On the proposed required side yard reduction, this will only be facing the Proposed Lot being created through the associated subdivision application, and no change in property ownership is anticipated to occur due to the temporary nature of the proposed subdivision. This side yard reduction therefore will have no impact on any of the properties in the surrounding area.

On the proposed use, 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 (e.g. emergency vehicle sirens) for the surrounding area. Partnerships are in place to cater for drop-off and pick-up of individuals using the facility.

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*

On the proposed required side yard reduction, given the proposal to build the future sobering centre directly adjacent to the supportive housing currently under construction, allowing for future direct access between both uses, the variance request is the minimum modification of the Zoning By-law.

On the proposed use, Clause 97(2)(b) of the Planning Act states, “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 Use 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*

City Plan

- 4.1(3)(c)—permitting a sobering centre is one way for the City to support efforts to achieve well-being in all dimensions of health
- Site located within “General Urban Area” under Map 3: Urban Structure
- 7.1(1)(a)—General Urban Area to support existing and future residential, commercial, and institutional development
- 7.1(4)(Commercial and Institutional Policies)(a)—provide opportunities for diversity of commercial activities in appropriate locations throughout the General Urban Area
- 7.1(4)(Commercial and Institutional Policies)(b)—support both the city and broader region with commercial and institutional options for residents of Brandon and the surrounding area
 - If approved, the sobering centre will be a service available for residents of Brandon who are in need of such a service

Assiniboine Gardens Secondary Plan

- 2.2.1—site is designated as Employment Lands, and area to provide a range of services

Zoning By-law

- Other than the requests at hand, the proposal otherwise complies with the Zoning By-law, including other bulk and siting requirements

Commenting Agencies

The Planning & Buildings Department did not receive any comments of significant concern related to the conditional use application. All comments received were addressed under the subdivision application brought to City Council at its March 17, 2025 meeting.

LEGISLATIVE REQUIREMENTS:*Notification*

In accordance with and exceeding minimum requirements under Subsection 169(3) of The Planning Act, notice was sent to owners of property within 100 metres (328 feet) of the subject property, and also posted on the subject property.

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicant conducted a mix of mail-outs and in-person visits to owners of nearby properties in early February 2025. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.