

TITLE: <p style="text-align: center;">           VARIANCE            345-18<sup>TH</sup> STREET NORTH            (PART BLOCKS 9/10, PLAN 228 BLTO)            OWNER: MUNYEOL AND MIA LEE            APPLICANT: MICHAEL BRUNEAU         </p>		
MEETING DATE: July 5, 2023		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Bernice Leyeza, Community Planner	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That Variance Application V-07-23 under Clause 97(2) of The Planning Act to change a land use to a use substantially similar to a motel, be permitted in the Commercial Arterial (CAR) Zone under Table 11, Section 54 of the Zoning By-law, be approved at 345 – 18<sup>th</sup> Street North (Part Blocks 9/10, Plan 228 BLTO) in accordance with the attached letter of intent “Attachment A-1”, subject to submitting written confirmation to the City of Brandon Planning & Buildings Department that required license(s) have been obtained from the Province of Manitoba or confirmation from the Province of Manitoba that licensing is not required for this use.

BACKGROUND:

*Request*

The applicant, Michael Bruneau of Aurora Recovery Centre, on behalf of the property owners, Munyeol and Mia Lee, is applying to change a land use to a use substantially similar to a hotel, permitted in the Commercial Arterial (CAR) Zone. Approval of this application will allow for Family Reunification Centre (*classified as “Other individual and family services” in the NAICS – North American Industry Classification System*).

*Development Context*

The subject site currently has a motel, and is located at the southeast corner of the 18<sup>th</sup> Street North/McGregor Avenue intersection. Uses surrounding the site are predominantly commercial along 18<sup>th</sup> Street, and newly approved Educational & Institutional zone for a transitional housing project on the east (yet to be developed). McGregor Avenue provides access to the site.

*History*

The existing motel on the site was built in 1977.

ANALYSIS:

Approval of this application will allow for a building where transient clients will be provided with basic social services and life skills needed for family reunification, as described by the applicant.

*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;*

There will be no external changes to the building and minor internal renovations proposed. The proposed use will function similar to a motel where accommodation is provided for their transient clients; and there will be some support services on-site and available if needed by the clients. The city recently approved transitional housing to the east that includes residences on upper storeys and required support services on main floor. The other uses in this area are mainly commercial and industrial. The proposed use will be generally 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;*

There will be no expected negative impact in the surrounding area, as the proposed development will not have an increase in occupancy of the existing building.

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 Commercial Land Use table (Table 11) in the City of Brandon Zoning By-law, but will function similar to a hotel or motel, which is permitted in the CAR 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 and summarized below.

City of Brandon

- Submitting written confirmation that applicable Provincial license(s) are obtained or confirmation from the province that a license is not required for the proposed use

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, no additional public outreach effort is required as the variance does not result in the increase of intensity or density of the use of a site. However, the applicant has been in contact with some adjacent neighbors about the proposed change in use and has not received opposition. As of the writing of this report, the Planning, Property & Buildings Department has not received representation in favour of or in opposition to this application.