


TITLE:  VARIANCE 1901 – 34 <sup>TH</sup> STREET NORTH OWNERS: DONALD LOEWEN AND LEONA NELSON APPLICANTS: ARCHIE AND ISOBEL MCBRIDE		
MEETING DATE: June 18, 2025		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Emmanuel Owusu Ansah, Community Planner	MANAGER: Sonikile Tembo, Principal Planner	

### RECOMMENDATIONS:

That Variance Application V-11-25 to allow for the rebuilding of a non-conforming building in the “A” Agricultural Zone pursuant to Clause 92(1)(c) of The Planning Act be approved at 1901 – 34<sup>th</sup> Street North (Nly 660 Feet of Sly 1320 Feet of Wly 1320 Feet of NW¼ 34-10-19 WPM) in accordance with the attached application document “Attachment A-1”.

### BACKGROUND:

#### *Request*

The applicants, Archie and Isobel McBride, on behalf of the property owners, Donald Loewen and Leona Nelson, are applying to allow for the rebuilding of a non-conforming building in the “A” Agricultural Zone pursuant to Clause 92(1)(c) of The Planning Act. Approval of this application will allow for the replacement of the existing detached dwelling with a new detached dwelling.

#### *Development Context*

The majority of the subject site consists of vacant agricultural land, with an existing detached building and a few other ancillary structures located near the northeastern portion of the site. The site is bounded to the west by 34<sup>th</sup> Street North and is surrounded on all sides by agricultural lands associated with the Government of Canada’s Brandon Research and Development Centre, an agricultural research facility. Access to the property is provided by 34<sup>th</sup> Street North.

#### *History*

The existing detached building on the site has been in place since at least 1981. The building is in a state of despair and no longer meets current structural or functional needs. The proposed replacement house will match the existing footprint.

ANALYSIS:

The applicant is proposing to demolish the existing detached dwelling on the site and construct a new detached dwelling to the west of the current building.

*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 is surrounded by the agricultural lands of the Brandon Research and Development Centre. As no changes in land use or intensity are proposed, the development remains compatible with the surrounding agricultural environment.

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 proposal involves replacing an existing building with a new one of similar function and scale, while the remainder of the parcel will be used for hay production. Given the agricultural context and the absence of nearby residential or commercial development, the proposed development is not expected to generate impacts that would affect the health or welfare of the 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 applicant is proposing to replace a legally non-conforming building with a new one. The City zoned several sites in the northern half of the City as Agricultural, intending to maintain agricultural (crop farming) uses, and most of the sites did not have any dwellings. The City intended to accommodate residential development after properly planning the area for development and enabling such development through rezoning and subdivision.

Since the existing residential dwelling is legally non-conforming and its replacement is not permitted as-of-right, a variance is required to allow for continuance of the use. The proposed variance would allow the applicant to replace the existing building without significantly altering the use or footprint. Given that the site is the only known site in the Agricultural Zone with a dwelling, this represents the least disruptive and most reasonable modification to the Zoning By-law necessary to allow the continued use of the 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*

*City Plan*

- Site designated “Development Reserve” under Map 3—Urban Structure
- Development Reserve lands are unserviced areas intended to remain undeveloped until needed for future growth

*City of Brandon Zoning By-law*

- Apart from the variance request, the proposal complies with all other provisions in the Zoning By-law

*Commenting Agencies*

The City did not receive any comments of significant concern.

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 application did not require a public outreach report as there is no increase in intensity or density of the site. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.