TITLE: VARIANCE 331 – 10TH STREET NORTH OWNER: CITY OF BRANDON APPLICANT: ASHLEY NEUFELD SOFTBALL COMPLEX INC.			
PRESENTER: Andrew Mok, BES		**FILE NO:** V-02-15-B	
DEPARTMENT: Planning & Building Safety		**MEETING DATE:** February 18, 2015	
CLEARANCES: Principal Planner		**ATTACHMENTS:** A. Application related documents B. Map, air photo & drawings	
APPROVALS:			
[*Original signed by A. Mok*]	Feb. 3, 2015	[*Original signed by R. Nickel*]	Feb. 11, 2015
Community Planner	**Date**	**Principal Planner**	**Date**

REQUEST:

The applicant, Brett Turner of Ashley Neufeld Softball Complex Inc., on behalf of the property owner, the City of Brandon, is applying to vary Table 2, Part III, Subsection 15(b) and Table 3, Subsection 15(c) of the Zoning By-law by increasing the maximum fence height from 1.8m to 3.1m to allow for the construction of a perimeter fence at the Ashley Neufeld Softball Complex for property located at 331 – 10th Street North in the PR Parks & Recreation Zone. Approval of this application will allow for the development of a privately maintained softball diamond complex on City owned property.

BACKGROUND:

Development Context

The subject site is currently under construction, and is located on the north side of the intersection of Parker Boulevard and 8th Street North. The site abuts the dike to the north and is bounded by industrial uses to the east, south and west sides of the site. A recreational trail is located to the east of the site which links Parker Boulevard and the Pedestrian Bridge across the Assiniboine River. Vehicle access to the site is provided by Parker Boulevard located to the south.

History

The subject site was previously used for industrial purposes as a rendering plant until it closed in the 1990's. After the City obtained ownership of the site, the building was demolished in 2007 and remained undeveloped for several years. In 2010, the Westman Softball Association expressed interest in operating softball diamonds on the site. The site was rezoned from MR Industrial Restricted to PR Parks & Recreation in 2011 to accommodate the development of softball diamonds.

ANALYSIS:

The applicant proposes to develop four adult softball diamonds as well as four youth diamonds. The 3.1m high chain link fencing will enclose most of the site, surrounding all eight diamonds, and will be incorporated into the outfield fencing of the four adult diamonds. Only the northern portion of the perimeter fencing will be along the property line; the rest of the perimeter fencing will be further located inside the subject site further away from the property line. A parking area will be provided on the southwest corner

of the subject site, and it will be located outside the fenced area. Access to the site will be in line with the existing westernmost approach off Parker Boulevard for McKenzie Seeds, creating a four-way intersection.

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;***
   Except for the north and west sides of the subject site, the proposed fencing's setback will meet or exceed the required setbacks for buildings from property lines, with the fencing facing Parker Boulevard proposed to be 14.2m away from the front property line. Given that the existing buildings on adjacent sites, all at least one storey in height, have maintained a significant setback distance from Parker Boulevard, the proposal will not be detrimental to surrounding uses. The softball complex provides recreational uses and open space areas for the surrounding residents, the softball complex is 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;***
   The proposed fencing will be located entirely within the site, and only the northern portion will run along the property line. There are no immediate uses to the north, east and south of the site that could be impacted by this higher fence. The closest use is to the west of the site is industrial (morning-star metals). With the fence proposed to be setback 3.0m from the adjacent property line the additional height will likely not adversely affect the adjacent property.

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***
   Through further correspondence with the applicant, the applicant confirms that the outfield fences for the adult softball diamonds follow regulations on softball diamond design in order to host sanctioned tournaments. The proposed variance will allow the rest of the perimeter fencing that does not coincide with the outfield fences to be at the same height as the outfield fences. The proposal therefore 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***
   The proposed use, a softball complex, conforms to Policy 6.2.1 of the Development Plan in that a recreational use will be located in an area designated "Parks/Open Space" under Map 1: Urban Land use. A softball complex is a permitted use in the PR Zone, and the proposal meets all other Zoning By-law requirements, including minimum requirements for parking and landscaping.

Commenting Agencies

All comments have been addressed.

Notification

As required under s. 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 property and notice posters were posted on the property.

Public Outreach

Pursuant to provision (b)(2)(iv) of Appendix D: Public Outreach Requirements in the Zoning By-law, public outreach is not a requirement as the proposal does not increase the permitted density or intensity of the use of the land. As of the writing of this report, the Planning & Building Safety Department has not received any written comments in favour of or in opposition to this application.

RECOMMENDATIONS:

That the Public Hearing for Variance Application V-02-15-B at 331 – 10th Street be concluded.

That Variance Application V-02-15-B to vary Table 2 under Part III, Subsection 15(b) and Table 3 under Subsection 15(c) of the Zoning By-law by increasing the maximum fence height from 1.8m to 3.1m in the PR Parks & Recreation Zone be approved at 331 – 10th Street (Parcels A, B, C & D, Plan 51689 BLTO) in accordance with the intent of the application "Attachment A-1", the attached letter of intent "Attachment A-2 and A-3" and the attached site plan "Attachment B-2".