

<b>TITLE:</b> <p style="text-align: center;"><b>VARIANCE</b>  <b>1225 PATRICIA AVENUE</b>  <b>OWNER: VANGUARD CREDIT UNION LIMITED</b>  <b>APPLICANT: TRACEY STREET DEVELOPMENTS</b></p>										
<b>PRESENTER:</b> Robert Zilke, BES	<b>FILE NO:</b> V-07-15-B									
<b>DEPARTMENT:</b> Planning & Building Safety	<b>MEETING DATE:</b> May 20, 2015									
<b>CLEARANCES:</b> Principal Planner	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings									
<b>APPROVALS:</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;"><i>Original Signed by Robert Zilke</i></td> <td style="width: 25%; text-align: center;"><i>May 7, 2015</i></td> <td style="width: 25%; text-align: center;"><i>Original Signed by Ryan Nickel</i></td> <td style="width: 25%; text-align: center;"><i>May 8, 2015</i></td> </tr> <tr> <td style="text-align: center;"><b>Community Planner</b></td> <td style="text-align: center;"><b>Date</b></td> <td style="text-align: center;"><b>Principal Planner</b></td> <td style="text-align: center;"><b>Date</b></td> </tr> </table>			<i>Original Signed by Robert Zilke</i>	<i>May 7, 2015</i>	<i>Original Signed by Ryan Nickel</i>	<i>May 8, 2015</i>	<b>Community Planner</b>	<b>Date</b>	<b>Principal Planner</b>	<b>Date</b>
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**REQUEST:**

The applicant, Steve McMillan of Tracey Street Developments, on behalf of the property owner, Vanguard Credit Union Ltd, is applying to vary Table 2, Part III, Subsection 15(b) of the Zoning By-law by reducing the minimum required setback between a deck and a side site line from 0.6m to 0.0m to allow for the construction of attached decks for a property located at 1225 Patricia Avenue zoned RMD Residential Moderate Density Multiple Family Zone.

**BACKGROUND:**

***Development Context***

The subject site is currently is currently under construction, and is located east of Tracey Street and north of Patricia Avenue. The subject site is a 14-unit expansion of an existing bare-land condominium development known as South Grove Estates. At full build-out, there will be a total of forty-eight (48) dwelling units in South Grove Estates. The site is surrounded by undeveloped land to the north, single-detached dwellings to the east, south and west, row-house dwellings of the existing South Grove Estates immediately to the west, and modular homes to the northwest. Access to the site is provided by Camryn and Jadyne Lanes to the west of the site.

***History***

A subdivision and condominium development was originally applied for in 2008, and though final approval was granted on October 2, 2008, the subdivision was not registered at the Brandon Land Titles Office before the approval expired on October 2, 2009. In 2013, the applicant obtained approval for a new subdivision concept. The new subdivision created lots north of the subject site for the development of multi-family dwellings, while the subject site was reserved for the future expansion of South Grove Estates. In 2014, a subdivision application was received to create a bare land condominium on the subject site. This second application was granted conditional approval on October 7, 2014 and is still awaiting finalization and registration.

## **ANALYSIS:**

The applicant is proposing to build two four-unit and two three-unit row-house dwellings in the expansion of an existing subdivision called “South Grove Estates”. All of these dwellings are proposed to include decks which are attached and separated by common party walls. All the decks are proposed to be located at the rear of their associated dwelling units.

### ***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 proposed decks will maintain the residential design consistent with the nearby existing residential areas. The properties on which the decks will be located, similar to properties in the surrounding residential areas, will have the decks located at the rear of their associated dwelling units. The proposal therefore will be 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 locations of the proposed decks will not have any detrimental effects on the surrounding residential areas. As shown on Attachment B-2, the decks will mostly be paired up on both sides of a common party wall. The common party walls will provide both fire protection and privacy between the decks to mitigate the potential effects of the decks being next to each other or to an 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***

The dwelling units, as designed, share common party walls; the proposal will extend this design with the decks. This proposal will also maximize the usable green space available for each of the dwelling unit's rear yards.

#### ***4. Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law***

There are no policies governing decks in the Development Plan. However, the proposed development will still conform to the Development Plan, as the development is residential in nature, and the subject site is located in an area designated “Residential” in the Development Plan.

### ***Commenting Agencies***

All comments have been addressed and summarized below.

#### ***City of Brandon***

The City of Brandon advises that the decks must comply with the Manitoba Building Code's provisions on spatial separation between houses. This requirement will be addressed under the building permit application process as the dwelling units and their associated decks are being developed.

### ***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-07-15-B at 1225 Patricia Avenue be concluded.

That Variance Application V-07-15-B to vary Table 2, Part III, Subsection 15(b) of the Zoning By-law by reducing the setback of a deck to a side site line from 0.6m to 0.0m to allow for the construction of attached decks in the RMD Residential Moderate Density Multiple Family Zone be approved at 1225 Patricia Avenue (Parcel Q, Plan 55363 BLTO) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-2” and the attached site plans “Attachment B-2” and “Attachment B-3”.