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| TITLE: <p style="text-align: center;">VARIANCE 2200 – 1ST STREET APPLICANT & OWNER: VBJ DEVELOPMENTS LTD.</p> | |  | | | | | | | | |
| PRESENTER: Robert Zilke, BES | FILE NO: V-08-15-B | | | | | | | | | |
| DEPARTMENT: Planning & Building Safety | MEETING DATE: May 20, 2015 | | | | | | | | | |
| CLEARANCES: Principal Planner | ATTACHMENTS: A. Application related documents B. Map, air photo & drawings | | | | | | | | | |
| APPROVALS: <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;">Community Planner</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Principal Planner</td> <td style="text-align: center;">Date</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> | Community Planner | Date | Principal Planner | Date |
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| Community Planner | Date | Principal Planner | Date | | | | | | | |

REQUEST:

The applicant, Steve McMillan of VBJ Developments Ltd., on behalf of property owner VBJ Developments 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 line to 0.0m to allow for the construction of attached decks for a property located at 2200 – 1st Street, zoned RLD Residential Low Density Multiple Family Zone and RMD Residential Moderate Density Multiple Family Zone.

BACKGROUND:

Development Context

The subject site is currently under construction, and is located on the west side of 1st Street between Portola Drive and Patricia Avenue. The subject site is a 123-unit bare land condominium development known as The Elements, for which conditional approval to subdivide was granted on December 9, 2014; as of to date, the subdivision process has not been finalized. The site is surrounded by undeveloped land to the north and east, rural land with some large-lot single-detached dwellings to the south across Patricia Ave, and predominantly single-detached dwellings to the west. Further north of the undeveloped land that abuts the subject site are row-house dwellings and the Crocus Plains Regional Secondary School. Access to the site is provided by Portola Drive.

History

The subject site was originally subdivided in June 2014 to allow for continued development of single-family dwellings between the site and 9th Street to the west. Later the same year, a second subdivision application was submitted to create a bare land condominium on the subject site. This second application was granted conditional approval on December 9, 2014 but a final certificate of approval has not been finalized.

ANALYSIS:

The applicant is proposing to build three- and four-unit row-house dwellings in the subdivision called “The Elements”. Many of these dwelling units 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 residential developments in area, both the existing ones and with those under construction. 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-4, the decks within the units will be paired up on both sides of a common party wall. The common party walls will provide both fire protection (SEE NUMBER 4) and privacy between the decks to mitigate the potential effects of the decks being next to each other.

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, already 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-08-15-B at 2200 – 1st Street be concluded.

That Variance Application V-08-15-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 RLD Residential Low Density Multiple Family Zone and the RMD Residential Moderate Density Multiple Family Zone be approved at 2200 – 1st Street (Block 8, Plan 56250 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”, “Attachment B-3” and “Attachment B-4”.