

<b>TITLE:</b> <p style="text-align: center;"><b>VARIANCE          659 RIDEAU STREET          OWNER: KERI BAILEY          APPLICANT: R AND M HOMES LTD.</b></p>										
<b>PRESENTER:</b> Waleed Albakry, MCP	<b>FILE NO:</b> V-13-13-B									
<b>DEPARTMENT:</b> Planning & Building Safety	<b>MEETING DATE:</b> August 7, 2013									
<b>CLEARANCES:</b> A/Senior Planner	<b>ATTACHMENTS:</b> 1. Application related documents 2. Map, air photo & drawings 3. Development Agreement									
<b>APPROVALS:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><i>Original signed by W. Albakry</i></td> <td style="width: 10%; border: none; text-align: center;">July 19, 2013</td> <td style="width: 50%; border: none;"><i>Original signed by R. Nickel</i></td> <td style="width: 10%; border: none; text-align: center;">July 29, 2013</td> </tr> <tr> <td style="border: none;"><b>Community Planner</b></td> <td style="border: none; text-align: center;"><b>Date</b></td> <td style="border: none;"><b>Senior Planner</b></td> <td style="border: none; text-align: center;"><b>Date</b></td> </tr> </table>			<i>Original signed by W. Albakry</i>	July 19, 2013	<i>Original signed by R. Nickel</i>	July 29, 2013	<b>Community Planner</b>	<b>Date</b>	<b>Senior Planner</b>	<b>Date</b>
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**BACKGROUND:**

R and M Homes Ltd., on behalf of the owner, KPJ Holding Ltd., is applying for a density variance to increase the maximum number of dwelling units from two (2) to three (3) for the property located at 659 Rideau Street (Lots 19/20, Block 11, Plan 9 BLTO) in the RLD Residential Low Density Multiple Family Zone.

***Zoning/Development Context***

The subject 36.71 m x 15.25m site has a total area of 559. 94m<sup>2</sup>. The proposed development is located on a currently vacant corner lot on the east side of Rideau Street and on the northern side of Van Horn Avenue East. Brandon Health Centre is located one block west of the subject site and the Keystone Lions Humanity Park is located south of the subject site. The immediate surrounding area consists of RLD zoned properties, some of which have remained single family dwellings. However, there are multiple multi-family dwellings located south of the subject site at the corner of Franklin Street and Van Horn Avenue East.

**DISCUSSION:**

The applicant proposes to construct a single-storey, three-unit multiple-family dwelling fronting Van Horn Avenue East on the site. Vehicle access to the proposed development will be exclusively from the lane to the east which is consistent with the existing single family and multiple-residential development in the adjacent area. The proposed one storey height is consistent with the surrounding dwellings.

***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 immediate neighbourhood has a mix of RLD and RMD zoned sites and has a mixture of housing types, mostly single family and to a lesser extent multi-family dwellings. The majority of the multi-family dwellings are located south of Van Horn Avenue East. The proposal is residential which is consistent with the surrounding area. Also, the proposed one storey height is consistent with the surrounding dwellings, and design elements such as landscaping along both Rideau Street to the west

and Van Horn Avenue East to the south will provide an improvement to the area and make it visually appealing.

**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 is residential and will not impair the integrity and character of the neighbourhood as it does not generate noise, vibration, dust, lighting, traffic, or odour concerns. The proposed building is a single storey which will preserve neighbours' privacy. Parking will be accessed off the rear lane to the east and the garbage bins will be screened by opaque fencing.

**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***

Limiting the site to two (2) dwelling units does not impose an injurious effect on the subject site. However, increasing the density allows the Planning Department to hold the redevelopment of the subject site to a higher standard, such as adherence to the City's Urban Design Standards and Guidelines.

**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 subject site is designated "Residential" in the Development Plan, and the proposal meets general objective 10.2.3(a) of the Development Plan 2013, supporting the intensification of infill areas. Furthermore, the proposed development meets all setback and parking requirements listed in the Zoning By-law. The design of the building meets the Urban Design Standards and Guidelines, such as section 3.1.1.1 - locating active windows to overlook semi-private and public spaces in front of and behind the subject site – and section 3.7.3 - locating perennial and/or shrub plantings directly adjacent to the building foundation of any façade which is plainly visible from a street.

Although the proposal shows entrances only along the southern side of the proposed 3-plex facing Van Horn Avenue East, it still meets the intent of section 4.2.3.7 of the Urban Design Standards and Guidelines - Corner properties which face a street and an avenue should address both public sidewalks as if it were a front yard in terms of building design (doorways, windows, verandas, details)- since the proposal includes large windows and large windowpanes as well as cultured stone along the western side of the building facing Rideau Street.

***Commenting Agencies***

A summary of comments requesting conditions of approval or recommending rejection of the application are summarized below. All other comments received have otherwise been addressed.

***City of Brandon***

- Services will need to be taken off Rideau Street;
- A cash-in-lieu of land dedication for public reserve purposes;
- Proposed development falls in Zone 2 of the Methane Policy. As a result, the owner is required to enter into a Save Harmless agreement with the City; and
- Addressing for the new 3-plex on Van Horne Avenue East will be created and issued by the Property Department.

A development agreement will be required to ensure, amongst other things:

- Lane to be paved entire length of site;

- Access on Van Horne to be removed. Additionally, the curb, boulevard and sidewalk shall be restored to City of Brandon Standards; and
- A Letter of Credit to ensure the work done on the public streets is completed to the City of Brandon Engineering Department's satisfaction.

School Division

A cash-in-lieu of land dedication for school reserve purposes is required.

***Public Outreach/Notification***

As required under 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 property and notice posters were posted on the property. The Planning Department is not aware of any additional public consultations conducted by the applicant, and to date the Planning Department has not received any written comments from the public in favour of or in opposition to the proposal.

**RECOMMENDATIONS:**

1. That the Public Hearing for Variance Application V-13-13-B at 659 Rideau Street be concluded.
2. That Variance Application V-13-13-B to increase the maximum number of dwelling units from two (2) to three (3) in the RLD Residential Low Density Multiple Family Zone be approved at 659 Rideau Street (Lots 19/20, Block 11, Plan 9 BLTO) in accordance with the intent of the application, the attached letter of intent (A-3) and the attached site plan (B-2) and elevation plans (B-3 & B-4), subject to the owner or successor:
  - a) prior to the issuance of a building permit, submitting written confirmation to the City of Brandon Planning & Building Safety Department that the Brandon School Division has received \$283.50 as a cash-in lieu contribution for school purposes.
  - b) prior to the issuance of a building permit, submitting \$248.95 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes; and
  - c) prior to the issuance of a building permit, entering into a development agreement with the City of Brandon as attached to the report by the Community Planner dated August 7<sup>th</sup>, 2013;