


TITLE: <p style="text-align: center;">VARIANCE 229 12TH STREET OWNER/APPLICANT: MURRAY FLETCHER</p>										
PRESENTER: Waleed Albakry, MCP	FILE NO: V-20-13-B									
DEPARTMENT: City of Brandon Planning & Building Safety Department	MEETING DATE: November 6, 2013									
CLEARANCES: Principal Planner	ATTACHMENTS: 1. Application related documents 2. Map, air photo & drawings									
APPROVALS: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><i>Original signed by W. Albakry</i></td> <td style="width: 15%; text-align: center;">October 17, 2013</td> <td style="width: 33%;"><i>Original signed by A. Veilleux</i></td> <td style="width: 15%; text-align: center;">October 24, 2013</td> </tr> <tr> <td>Community Planner</td> <td style="text-align: center;">Date</td> <td>Principal Planner</td> <td style="text-align: center;">Date</td> </tr> </table>			<i>Original signed by W. Albakry</i>	October 17, 2013	<i>Original signed by A. Veilleux</i>	October 24, 2013	Community Planner	Date	Principal Planner	Date
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BACKGROUND:

Murray Fletcher, owner and applicant, is applying for both a density variance to increase the maximum number of dwelling units from two (2) units to four (4) units and a parking variance to reduce the minimum required number of parking spaces from six (6) spaces to five (5) spaces for a property located at 229 12th Street (Lots 29/30, Block 45, Plan 2 BLTO) in the RLD Residential Low Density Multiple Family Zone. This would allow the applicant to construct a 383m² (4123ft²) two storey building encompassing four (4), two (2) bedroom dwelling units.

Zoning/Development Context

The 36.576m (120.00’) x 15.24m (50.00’) vacant property is 557.32m² (5999.02’) in size, currently vacant and is located midblock on the east side of 12th Street. Primary vehicle access to the site is by the lane to the east. The immediate surrounding area consists of RLD zoned properties, some of which have remained single family dwellings. There are also two RHD Residential High Density Multiple Family zoned properties consisting of 13 and 8 multiple-family dwellings on both sides of 12th Street at the corner of 12th Street and Lorne Avenue. Further, the site is directly west and south of the City of Brandon Downtown HUB Zone and is located within the central neighbourhoods area of the Downtown Promenade Overlay Zone. There are two public parks within a walking distance of the subject site: Stanley Park located two blocks to the west and Princess Park located three blocks to the east.

DISCUSSION:

The applicant is proposing to construct a two-storey 4-unit multi-family dwelling on an interior lot. It should be noted that a similar variance application for a similarly sized lot within the same block was approved in 2011 under variance order V-11-11-B.

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 surrounding area features a mix of RLD and RHD zoned sites and is within a close proximity of the HUB therefor the residential nature of the proposal is consistent with the surrounding area. Neighbouring properties are two-storey in height, consistent with the proposed building.

Similar to other neighbouring residential developments, the design of the proposed multi-family development ensures vehicle access is from the lane to the east. Also, in accordance with clause 4.3.3.8 of the City of Brandon Urban Design Standards & Guidelines – the proposed building reflects the forms, patterns and decorative elements of adjacent buildings using a pitched gabled roof incorporating a dormer to break up the roof line and accentuate the front entrance. Lastly, the entrance for the front unit on the lower level is well defined through the use of a veranda/deck oriented towards the street which is in compliance of the clause 4.3.3.2 of the City of Brandon Urban Design Standards & Guidelines.

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. Parking will be accessed off the rear lane to the east and the garbage bins will be screened by opaque fencing. As for the parking variance, the proposed parking variance will not impede vehicular ingress to or egress from adjacent properties as the vehicle access of the existing properties is from the lane. It is the view of the Planning & Building Safety Department that a parking variance from 6 parking spaces to 5 parking spaces is minor and will not have a negative impact on the residential area because it is adjacent to the HUB and accessible by public transportation.

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, due to the unique location of the subject site within the central neighbourhoods area of the Downtown Promenade Overlay Zone and in close proximity from the HUB, it is the view of the Planning & Building Safety Department that such a development is desirable not only for the immediate neighboring properties but for the revitalization of downtown as a whole.

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 Map 1: Urban Land Use of the Development Plan 2013, and the proposal meets general objective 10.2.3(a) of the Development Plan 2013, supporting the intensification of infill areas. The proposed development meets all setback requirements listed in the Zoning By-law. The design of the building meets the Urban Design Standards and Guidelines, including 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. The design of the proposed multi-family development ensures vehicle access is from the lane to the east in accordance with clause 4.3.2.4 of the City of Brandon Urban Design Standards & Guidelines which stipulates that driveways from lanes are most desirable.

Commenting Agencies

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

City of Brandon

- A cash-in-lieu of land dedication for public reserve purposes; and
- The planting of boulevard trees in accordance with the City of Brandon Landscape Design Standards is required.

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-20-13-B at 229 12th Street be concluded.
2. That Variance Application V-20-13-B to increase the maximum number of dwelling units from two (2) units to four (4) units and a parking variance to reduce the minimum required number of parking spaces from six (6) spaces to five (5) spaces be approved at 229 12th Street (Lots 29/30, Block 45, Plan 2 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 plan (B-3), subject to the owner or successor:
 - a) prior to the issuance of a building permit, submitting \$247.78 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes;
 - b) demonstrates compliance with the City of Brandon Landscape Design Standards when applying for a building permit, including but not limited to, the planting of boulevard trees; and
 - c) 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 \$405.00 as a cash-in lieu contribution for school purposes.