


TITLE: <p style="text-align: center;">VARIANCE 1017 STICKNEY AVENUE OWNER/APPLICANT: KEVIN HIEBERT</p>										
PRESENTER: 	FILE NO: V-24-13-B									
DEPARTMENT: City of Brandon Planning & Building Safety Department	MEETING DATE: December 18 th , 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 R. Eidick</i></td> <td style="width: 33%; text-align: center;">December 6, 2013</td> <td style="width: 33%;"><i>Original signed by A. Veilleux</i></td> <td style="width: 33%; text-align: center;">December 10/13</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 R. Eidick</i>	December 6, 2013	<i>Original signed by A. Veilleux</i>	December 10/13	Community Planner	Date	Principal Planner	Date
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BACKGROUND:

Kevin Hiebert, owner and applicant, is applying to increase the maximum number of dwelling units from three dwelling units to four dwelling units for a property located at 1017 Stickney Avenue (Lots ¾, Block 109, Plan 2 BLTO) in the RLD Residential Low Density Multiple Family Zone.

Zoning/Development Context

The subject property is currently used for a single-family dwelling, and is located midblock on Stickney Avenue, between 10th Street North and 11th Street North. The property is surrounded mainly with a mix of single-family and two-family dwellings; however immediately to the north is the location of Mackenzie Seeds, and directly across the street to the south is the Ukrainian Orthodox Church. The property is located within the Flood Fringe Area, as well as within Zone 2 of the Methane Gas policy area. The rear portion of the site is located within Zone 1.

DISCUSSION:

Approval of this application would accommodate the construction of a bi-level, four unit multiple-family dwelling. Two of the units will face south onto Stickney Avenue, and two units face north into the proposed parking area. The proposal includes a parking area accessed through a city-owned property, and the applicant has already secured the necessary cross-access agreement to make this possible.

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 is mainly zoned RLD, and the proposed bi-level dwelling is consistent in height and design with the surrounding dwellings. The proposal includes increased setbacks from the front and west side property lines, allowing for greater landscaped areas surrounding the dwelling to remain consistent with the adjacent properties. The proposal is only one storey in height, and also minimizes side yard windows, reducing privacy concerns for adjacent dwellings.

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;***

Conditions of approval address this Planning Act criterion. The applicant will build within the requirements of the Flood Fringe area. This means all habitable spaces are required to be built 0.6m above the 1 in 100 year flood levels, thereby assuring minimal risk to those residing in the proposed dwelling. The property, although required to be built up, will still be required to manage all drainage on-site and not onto adjacent properties, therefore neighbouring residents will not be affected.

The applicant will build within the requirements for building within Zones 1 and 2 of the Methane Gas Policy area which means performing methane gas tests as per the Methane Gas Policy to ensure no soil contamination is found. If found, test probes may also be required to be permanently installed and monitored continuously to ensure contaminants in the soil remain at safe levels for all residents, both on-site and in the surrounding area.

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***

Based on the size and zoning of the property, the applicant would be permitted to build 3.45 dwelling units on the property, therefore the request to increase the maximum number of dwelling units to 4 is considered the minimum modification. Had the property been consolidated with a portion of 120 10th Street North, the land over which the parking area is accessed, a maximum of 4 dwelling units would have been permitted.

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 is consistent with general objective 1.5.2(n), encouraging the re-development of existing serviced lots. The proposed development meets all setback and parking requirements as listed in the Zoning By-law, and the proposed building design and landscaping meets the intent of the City of Brandon's Landscape Design Standards as well as the Urban Design Standards and Guidelines, specifically section 3.1.9.3 – providing clear sightlines to the entryways from streets and parking areas.

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

- The applicant will be required to enter into a Save Harmless Agreement with the City of Brandon with regards to the location within the Flood Fringe and Methane Gas policy areas.
- The applicant will be required to adhere to the Methane Gas Policy for Zones 1 and 2
- As the property already has one registered set of refuse containers, the applicant would only need to purchase one additional set for the additional dwelling units
- Requires a cash-in-lieu of land contribution of \$380.99 for public reserve purposes

Brandon School Division

- Requires a cash-in-lieu contribution of \$202.50 for school reserve purposes

Public Outreach/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. The Planning & Building Safety Department is not aware of any additional public

consultations conducted by the applicant, and to date the Planning & Building Safety 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-24-13-B at 1017 Stickney Avenue be concluded.
2. That Variance Application V-24-13-B to increase the maximum number of dwelling units from three dwelling units to four dwelling units be approved at 1017 Stickney Avenue (Lots 3/4, Block 109, Plan 2 BLTO) in accordance with the intent of the application (A-1), the attached letter of intent (A-3) and the attached site plan (B-2) and elevation plan (B-3), subject to:
 1. The owner or successor, prior to the issuance of building permits, submitting:
 - a. \$380.99 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes;
 - b. written confirmation to the City of Brandon Planning & Building Safety Department that the Brandon School Division has received \$202.50 as a cash-in lieu contribution for school purposes; and
 - c. written confirmation to the City of Brandon Planning & Building Safety Department that a Save Harmless Agreement has been entered into with the City of Brandon.