


TITLE: APPEAL HEARING VARIANCE 1637 8TH STREET OWNERS/APPLICANTS: JOHN FEHR & DARRELL ENNS							
PRESENTER: Andrew Mok, BES		FILE NO: V-27-13-B					
DEPARTMENT: Planning & Building Safety		DATE: February 25, 2014					
CLEARANCES: <i>Original signed by R. Nickel</i> A/Principal Planner		ATTACHMENTS: 1. Application related documents 2. Map, air photo & drawings 3. Planning Commission information 4. Letter of appeal					
APPROVALS: <table style="width: 100%; border: none;"> <tr> <td style="width: 25%; border-top: 1px solid black; text-align: center;"> General Manager of Development Services </td> <td style="width: 25%; border-top: 1px solid black; text-align: center;"> Date </td> <td style="width: 25%; border-top: 1px solid black; text-align: center;"> City Manager </td> <td style="width: 25%; border-top: 1px solid black; text-align: center;"> Date </td> </tr> </table>				General Manager of Development Services	Date	City Manager	Date
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DISCUSSION:

Todd and Gloria Misanchuk are appealing the Planning Commission’s decision to approve the application to reduce the minimum required site width from 12.1m to 9.1m and to reduce the minimum required site area from 372m² to 334m² at 1637 8th Street in the RSF Residential Single Family Zone.

Planning Commission Hearing & Decision

The Planning Commission held a public hearing on February 5, 2014 for this application by John Fehr and Darrell Enns. Representations were made by Planning & Building Safety Department staff, the applicant as well as objectors. Upon public testimony, the Planning & Building Safety Department recommended approval of this application for the following reasons:

1. The area consists of exclusively single family dwellings, and the applicants propose to develop single-storey single family dwellings;
2. There are examples of single-family dwellings on narrower parcels than the required 12.1m in RSF Zone areas throughout Brandon, and the Affordable Housing Strategy, recently adopted by the City, calls for an investigation into reducing the minimum site width in the RSF Zone to 9.1m to accommodate more opportunities for infill development;
3. The proposed 334m² is within 10% of the minimum required site area; and
4. The proposed dwellings will meet all other requirements in the Zoning By-law, including setbacks, parking and height.

The Planning Commission approved this application.

The Appeal

The appellants’ concerns are

1. the size of the lots being not compatible with the general nature of the surrounding area,
2. conflicting information on proposed side yards in the letter of intent with the rest of the application,

3. the future use of the single family dwellings as rental units, and
4. the maintenance of the rear lane by the applicants.

The Planning & Building Safety Department offers the following explanations to provide clarity on the appellants' concerns:

- Though the letter of intent states of a proposed reduced side yard setback, this request was not considered by the Planning Commission as the site plan submitted identifies compliant side yard setbacks.
- The Zoning By-law does not regulate the ownership of dwelling units.
- The maintenance of the rear lane, which the City has no intention to develop, is addressed under a development agreement as a condition of subdivision approval, which City Council approved at its February 3, 2014 meeting.

The appeal of the decision of the Planning Commission is a new hearing and City Council may make any decision with respect to the matter under appeal that could have been made at the original hearing.

RECOMMENDATIONS:

That the Public Hearing for Variance Order V-27-13-B be concluded.

That Variance Application V-27-13-B to reduce the minimum required site width from 12.1m to 9.1m, and to reduce the minimum required site area from 372m² to 334m² be approved at 1637 8th Street (Lot 2, Plan 26296 BLTO) in accordance with the intent of the application (A-1), the attached letter of intent (A-2) and the attached site plan (B-1) and elevation plans (B-3, B-4, B-5).