




TITLE: <p style="text-align: center;"> VARIANCE V-32-12-B 702 & 718 – 1ST STREET LOT 1, PLAN 2242 & LOTS 8/10, 12/23, BLOCK 64, PLAN 8 BLTO OWNER: HOMETOWN AUTO GLASS (BRANDON) LTD. APPLICANT: ROY, JOHNSTON & CO. LLP </p>		
PRESENTER: Waleed Albakry, MCP	AGENDA NO:	
DEPARTMENT: Planning & Building Safety	DATE: October 26, 2012	
CLEARANCES: Acting Senior Planner	REPORT & ATTACHMENTS: 1. Report (# of pages = 2) 2. Application related documents (# of pages = 6) 3. Map, air photo & drawings (# of pages = 2)	
APPROVALS:		
 October 30, 2012 Community Planner	 October 30, 2012 Acting Senior Planner	October 30, 2012 Date

BACKGROUND:

Roy, Johnston & Co. LLP, on behalf of the owner, Hometown Auto Glass (Brandon) Ltd., is applying to reduce the following minimum required yards, all in the MR Industrial Restricted Zone:

- The South side yard for Proposed Lot 1 from 1.5m to 0.4m;
- The North side yard for Proposed Lot 2 from 1.5m to 0.4m;
- The South side yard for Proposed Lot 2 from 1.5m to 0.9m; and
- The North side yard for Proposed Lot 3 from 1.5m to 1.0m.

Zoning/Development Context

The subject site is currently occupied by three business with separate buildings, Boyd Auto Body (automotive repair), Hometown Auto Glass (automotive repair) and Midwest Industrial Services (tank cleaning). Primary access to the site is by 1st Street, with rear access available off Van Horne Avenue and College Avenue. The site is surrounded with predominantly light industrial uses, with commercial uses to the north and east, and predominantly single family dwellings south of College Avenue.

DISCUSSION:

The property owner obtained conditional approval to subdivide the subject site on November 13, 2009. One of the conditions of approval was to obtain variances to reduce the required side yards, as the three existing buildings on the subject site were built in close proximity to one another. No further development of the lots or alteration of the existing buildings is being proposed.

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;

Several of the existing industrial buildings in the surrounding area have been constructed with deficient yard setbacks. Furthermore, no additions are being proposed to the existing buildings on the subject site.

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 requested variances are dealing with proposed property lines within the subject site and therefore have no impact on adjacent sites.

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 variances are meant to address side yard deficiencies of existing buildings on the subject site as a result of a proposed subdivision of the subject site.

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 Development Plan designates this area as “Commercial”. Provided that the variances are approved, the subject site will meet the bulk and siting requirements in the MR Zone under Table 15 (s. 43) of the Zoning By-law.

Commenting Agencies

Comments requesting conditions of approval are summarized below. All other comments received have otherwise been addressed.

Planning & Building Safety Department

The Senior Building Inspector advises that, as a result of the subdivision, the existing buildings shall comply with the latest regulations of the Manitoba Building Code, including provisions on limiting distance and safe exiting of the buildings. The Planning & Building Safety Department therefore recommends that, as a condition of approval, the applicant provides written confirmation from the Senior Building Inspector that the existing buildings will comply with the Manitoba Building Code.

Public Outreach/Notification

As required under the provisions of The Planning Act, notice of the 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 the applicant conducting additional outreach with the public on its proposal, and, as of the writing of this report, the Planning & Building Safety Department has not received any written representations from the public in favour of or in opposition to the proposal.

RECOMMENDATIONS:

1. That the Public Hearing for Variance Application V-32-12-B at 702 & 718 – 1st Street be concluded.
2. That Variance Application V-32-12-B to reduce the minimum required South side yard for Proposed Lot 1 from 1.5m to 0.4m, the North side yard for Proposed Lot 2 from 1.5m to 0.4m, the South side yard for Proposed Lot 2 from 1.5m to 0.9m, the North side yard for Proposed Lot 3 from 1.5m to 1.0m in the MR Industrial Restricted Zone be approved at 702 & 718 – 1st Street (Lot 1, Plan 2242 & Lots 8/10, 12/23, Block 64, Plan 8 BLTO) in accordance with the intent of the application dated September 13, 2012, the attached letter of intent dated September 11, 2012 and the attached site plan, subject to the following condition:
 - a) That owner or successor provides written confirmation from the Senior Building Inspector that the existing buildings comply with the Manitoba Building Code.