

TITLE: <p style="text-align: center;">VARIANCE V-39-12-B 946 – 10th STREET (LOT 16, BLOCK 36, PLAN 16 BLTO) OWNER: TIMOTHY LEE APPLICANT: VAN BI LEE</p>										
PRESENTER: Ryan Eidick, BED	AGENDA NO:									
DEPARTMENT: Planning & Building Safety	MEETING DATE: December 19, 2012									
CLEARANCES: Senior Planner	REPORT & ATTACHMENTS: 1. Report (# of pages = 2) 2. Application related documents (# of pages = 3) 3. Map, air photo & drawings (# of pages = 4)									
APPROVALS: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><i>Original Signed by</i> Ryan Eidick</td> <td style="width: 33%; text-align: center;">December 7, 2012</td> <td style="width: 33%;"><i>Original Signed by</i> Ryan Nickel</td> <td style="width: 33%; text-align: center;">December 7, 2012</td> </tr> <tr> <td>Community Planner</td> <td style="text-align: center;">Date</td> <td>Senior Planner</td> <td style="text-align: center;">Date</td> </tr> </table>			<i>Original Signed by</i> Ryan Eidick	December 7, 2012	<i>Original Signed by</i> Ryan Nickel	December 7, 2012	Community Planner	Date	Senior Planner	Date
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BACKGROUND:

Van Bi Lee, on behalf of the owner, Timothy Lee, is applying to increase the maximum number of dwelling units from one (1) dwelling unit to two (2) dwelling units in the RLD Residential Low Density Multiple Family Zone. This would allow for the construction of a two-family bi-level dwelling at 946 10th Street.

Zoning/Development Context

The subject site is currently used for a single-family dwelling; however the structure has been vacant since 2008. It is located on the west side of 10th Street, north of Southern Avenue, and is within walking distance from an elementary and high school. The site is surrounded by a mix of single-family, two-family and multiple-family dwellings, with a commercial establishment directly to the south and a church to the east. Vehicle access to the proposed development would be from the lane, which is consistent with the current development as well as multiple-family developments in the area.

DISCUSSION:

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 neighbourhood is zoned RLD, and has a mixture of housing types, most notably two four-unit multiple-family dwellings at 911 and 915 10th Street. The proposed one storey development is consistent with the surrounding dwellings, and design elements such as street-facing entrances and materials used are consistent with other dwellings in the area.

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 proposed development is one storey in height with basement level side yard windows, ensuring the neighbours' privacy is maintained.

Parking will be accessed off the rear lane, with pedestrian access accommodated by a walkway connecting to the public sidewalk along 10th Street.

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*

Though limiting the site to one (1) dwelling unit does not impose an injurious effect on the subject site, 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 site is designated "Residential" in the Development Plan, and the proposed development meets all setback and parking requirements listed in the Zoning By-law. The proposed landscaping meets the intent of the City of Brandon's Landscape Design Standards, and the design of the building meets the Urban Design Standards and Guidelines, specifically sections 3.1.1.1 - locating active windows to overlook semi-private and public spaces in front of and behind the subject site, and 3.1.9.3 – providing clear sightlines to the entryways from streets and parking areas. The proposal also meets general objective 1.5.2(n) of the Development Plan, encouraging the re-development of existing serviced lots.

Commenting Agencies

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

Department of Planning and Building Safety

The department requests that a cash-in-lieu contribution of \$123.67 for public reserve purposes be included as a condition of approval.

Brandon School Division

The School Division requests that a cash-in-lieu contribution of \$283.50 be included as a condition of approval for the extra unit.

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 Department is not aware of any additional public consultations conducted by the applicant, and to date the Planning 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-39-12-B at 946 - 10th Street be concluded.
2. That Variance Application V-39-12-B to increase the maximum number of dwelling units from one (1) dwelling unit to two (2) dwelling units be approved at 946 – 10th Street (Lot 16, Block 36, Plan 16 BLTO) in accordance with the intent of the application dated November 5, 2012, the attached letter of intent dated October 31, 2012 and the attached site plan and elevations, subject to the following conditions:
 - a) The owner or successor provides a payment of \$123.67 to the City of Brandon Planning and Building Safety Department as a cash-in-lieu contribution for public reserve purposes; and

- b) The owner or successor provides written confirmation from the Brandon School Division that the applicant has paid \$283.50 as a cash-in-lieu contribution for school reserve purposes.