


TITLE: VARIANCE V-01-13-B 841 ROSSER AVENUE EAST (LOTS 1/2 , BLOCK 33, PLAN 21 BLTO) OWNER: 6160204 MANITOBA LTD & 6408380 MANITOBA LTD. APPLICANT: CHAD MARTIN										
PRESENTER: Waleed Albakry, MCP	AGENDA NO:									
DEPARTMENT: Planning & Building Safety	MEETING DATE: March 20, 2013									
CLEARANCES: A/Senior Planner	REPORT & ATTACHMENTS: 1. Report (# of pages = 3) 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: 50%; text-align: center;"><i>Original Signed by Waleed Albakry</i></td> <td style="width: 50%; text-align: center;"><i>Original Signed by Ryan Nickel</i></td> </tr> <tr> <td style="text-align: center;">March 11, 2013</td> <td style="text-align: center;">March 11, 2013</td> </tr> <tr> <td style="text-align: center;">Community Planner</td> <td style="text-align: center;">A/Senior Planner</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> </tr> </table>			<i>Original Signed by Waleed Albakry</i>	<i>Original Signed by Ryan Nickel</i>	March 11, 2013	March 11, 2013	Community Planner	A/Senior Planner	Date	Date
<i>Original Signed by Waleed Albakry</i>	<i>Original Signed by Ryan Nickel</i>									
March 11, 2013	March 11, 2013									
Community Planner	A/Senior Planner									
Date	Date									

BACKGROUND:

Chad Martin, on behalf of the owner, 6160204 Manitoba Ltd. & 6408380 Manitoba Ltd., is applying for a variance to reduce the side yard setback for a reversed corner site from 4.6m to 1.8m in the RLD Residential Low Density Multiple Family Zone. This would allow the applicant to construct a two-storey two family dwelling on the site.

Zoning/Development Context

The subject site is currently vacant and is located at the corner of Rosser Avenue East and 10th Street East. The immediate surrounding area consists of RLD zoned properties, most of which have remained single family dwellings. Multi-family dwellings do exist two blocks west of the subject site on Rosser Avenue East. The site is bordered by the Canadian National Railway right-of-way to the north, and is located within one block of an industrial site to the east. The site slopes down from south to north, and therefore vehicle access is restricted to Rosser Avenue East.

DISCUSSION:

The rear yard of the proposed two family dwelling abuts the side yard of the lot to the north and therefore the proposed two family dwelling will be a reverse corner. As a result, the eastern side yard of the proposed two family dwelling will require a minimum of 4.6m setback according to Brandon Zoning By-law 6642 Table 11. Therefore, the applicant is applying to reduce the side yard setback from 4.6m to 1.8m to be equal to that of an interior two-storey building.

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 proposal is residential, which is consistent with the adjacent residential area to the south and the west. The neighbourhood contains a mix of single-storey and bi-level dwellings. Therefore, the proposed two-storey height is compatible. Furthermore, the proposal incorporates features that add visual interest such as the gabled roof, which is consistent with section 4.2.3.4 of the Urban Design Standards & Guidelines – various forms of gables and intersecting dormers, shed roofs and gambrels can break larger roof elements and make the roofscape interesting. Furthermore, the subject site is

serviced by Transit as there is a bus stop for route number six one block to the south on Princess Avenue East. Lastly, the mass of the front and rear elevations is broken up by utilizing dormers and varying building materials.

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;*

As mentioned earlier, the proposal is for a two-storey two family dwelling within a mostly residential area. Therefore, the proposal will not cause adverse impacts, such as noise, dust, odor or vibration. Additionally, the side yard with the neighbour to the west will meet the minimum required side yard setback according to City of Brandon Zoning By-law 6642 Table 11. Further, pursuant to section 3.2.3 of City of Brandon Urban Design Standards and Guideline, the privacy of adjacent property to the west is maintained, as no exterior balconies are proposed and the majority of windows are oriented towards the front and rear yards.

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*

According to Table 11 of Brandon Zoning By-law 6642, the size of the subject site, which is zoned RLD Residential Low Density Multiple Family, can accommodate two dwelling units. However, the site does not have enough side yard setbacks to meet the minimum required side yard setback of 4.6m for a reverse corner lot. Therefore, the variance is a minimum modification of the zoning by-law to address the existing situation.

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 “Residential”, and the proposed two-storey two family dwelling meets the parking requirements of Brandon Zoning By-law 6642. The landscaping meets the intent of the City’s Landscape Design Standards and the building meets the Urban Design Standards and Guidelines, including section 3.1.9.3 (clear sightlines to entryways from street). 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 or recommending rejection of the application are summarized below. All other comments received have otherwise been addressed.

The City of Brandon

The City of Brandon requires a boulevard curb along 10th Street East from Rosser Avenue East to the public lane to the north to be constructed to City of Brandon’s standards.

Public Outreach/Notification

As required under the provisions 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 the applicant conducting additional outreach with the public on his proposal, and, as of the writing of this report, 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-01-13-B at 841 Rosser Avenue East be concluded.
2. That Variance Application V-01-13-B to reduce the side yard setback for a reversed corner site from 4.6m to 1.8m in the RLD Residential Low Density Multiple Family Zone be approved at 841 Rosser Avenue East (Lot ½, Block 33, Plan 21 BLTO) in accordance with the intent of the application dated January 24, 2013, the attached letter of intent dated January 7, 2013 and the attached site plan and elevations, subject to the following condition:
 - a) The owner or successor constructs a boulevard curb along 10th Street East, from Rosser Avenue East to the public lane to the north to the satisfaction of the City of Brandon Engineering Department.