


<b>TITLE:</b>  <p style="text-align: center;"><b>VARIANCE</b>  <b>1141 5<sup>TH</sup> STREET</b>  <b>OWNER: DREW LESLIE ANN ROSTESKI</b>  <b>APPLICANT: CON-COR HOMES</b></p>						
<b>PRESENTER:</b> Waleed Albakry, MCP	<b>FILE NO:</b> V-04-15-B					
<b>DEPARTMENT:</b> Planning & Building Safety	<b>MEETING DATE:</b> May 6, 2015					
<b>CLEARANCES:</b> Principal Planner	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Public outreach report					
<b>APPROVALS:</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;"> <i>Original signed by W. Albakry</i>  <b>Community Planner</b> </td> <td style="width: 33%; text-align: center;"> <i>April 20, 2015</i>  <b>Date</b> </td> <td style="width: 33%; text-align: center;"> <i>Original signed by R. Nickel</i>  <b>Principal Planner</b> </td> <td style="width: 33%; text-align: center;"> <i>April 22, 2015</i>  <b>Date</b> </td> </tr> </table>			<i>Original signed by W. Albakry</i> <b>Community Planner</b>	<i>April 20, 2015</i> <b>Date</b>	<i>Original signed by R. Nickel</i> <b>Principal Planner</b>	<i>April 22, 2015</i> <b>Date</b>
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### **REQUEST:**

The applicant, Con-Cor Homes, on behalf of the property owner, Drew Leslie Ann Rosteski, is applying for a variance to vary Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law to increase the maximum allowed dwelling units from two (2) to three (3) for a property located at 1141 5<sup>th</sup> Street zoned RLD Residential Low Density Multiple Family Zone. Approval of this application will allow for development of a one-storey triplex with rear lane vehicle access.

### **BACKGROUND:**

#### ***Development Context***

The subject site currently has a single family detached house on the site, and is located on an interior lot on the east side of 5<sup>th</sup> Street. The street, though hardsurfaced with sidewalks on both sides, is not a fully improved street with gravel shoulders and no curbs. The property is surrounded by mainly single family dwellings with some two-family and multi-family dwellings established throughout the area. Further east are a church and two primary schools. Vehicular access to the site is provided by the rear lane to the east.

#### ***History***

The subject site consists of two lots; namely, lots 33 and 34 and is occupied by a single-family dwelling built in 1909. The applicant is proposing to demolish the existing single-family dwelling and replace it with a new triplex. A similar variance was approved in 2014 for a property located at 1151 5<sup>th</sup> Street, immediately to the south of the site.

### **ANALYSIS:**

The applicant proposes to replace the existing house with a new single-storey 3-plex. Two of the dwelling units will face the front and have two bedrooms, while the third will face the rear and have three bedrooms. All on-site parking will be hardsurfaced and off the rear lane. Transit service is available one block to the west on 6<sup>th</sup> Street, and the two schools to the east are also within walking distance.

***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 area consists mostly of single family dwellings, two-family and multi-family dwellings are also scattered throughout the area, including a triplex at 1148 5<sup>th</sup> Street, across the street from the subject site. Another triplex at 1151 5<sup>th</sup> Street, immediately to the south, was constructed earlier this year. The proposed building design will maintain the prevalent one-storey height of 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;***

To ensure preservation of the privacy of the adjacent neighbours, the applicant proposes to limit the height of the building to a single storey. Furthermore, as required in Section 18 “Refuse Containers” of the Zoning By-law, the refuse containers will be screened by opaque fencing, and located to the northeast of the building away from any windows. As this proposal increases the density of the subject site, which in turn increases demand for parks and other City recreational facilities, a monetary contribution for public reserve purposes will be required to help offset some of the increased demand. The proposed variance to increase the maximum allowed dwelling units from two (2) to three (3), as proposed, will not likely be detrimental to 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***

Limiting the site to two (2) dwelling units will not impose an injurious effect on the subject site. Furthermore, this variance approval process provides an opportunity for the Planning Commission to impose conditions or development standards that are deemed necessary to address any design issues.

***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 the proposal complies with policy 10.2.3 (a) which states that the City of Brandon shall prioritize growth through supporting intensification of infill areas. The proposed infill development meets the intent set forth in the Development Plan. In addition, the proposal complies with policy 10.2.4(I) which states that Brandon shall strive to accommodate 20% of the City’s future population growth within developed areas - by contributing to the target of accommodating 20% of populating growth within existing areas.

The residential development, as proposed, meets all setback requirements set forth in Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law. The Design review process will ensure that the proposed design complies with the requirements of the applicable provisions of the Urban & Landscape Design Standards Manual.

***Commenting Agencies***

All comments are summarized below.

***City of Brandon***

- A service plan as well as a drainage plan will be required
- The hydro pole located in the rear lane will have to be shown on the site plan. The hydro pole will have to be relocated if it impedes the vehicular movement.
- A cash-in-lieu of land dedication for public reserve purposes is required for the amount of \$247.35.
- The applicant will have to work with the Property Department in regards to addressing.

### School Division

- A cash-in-lieu in the amount of \$283.50 for land dedication for school reserve purposes is required.

### ***Notification***

As required under section 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.

### ***Public Outreach***

In accordance with the Zoning By-law Appendix D, Public Hearing requirements, the applicant went door-to-door to speak with residents within the area of the subject property and gave the residents an overview of the proposed development. As indicated by the applicant in the attached community participation report (Attachment C), the neighbours contacted did not express any concerns regarding the proposed variance. As of the writing of this report, the Planning & Building Safety Department has not received written comments in favour of or in opposition to this application.

### **RECOMMENDATIONS:**

That the Public Hearing for Variance Application V-04-15-B at 1141 5<sup>th</sup> Street be concluded.

That Variance Application V-04-15-B to vary Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law to allow for the development of a triplex in the RLD Residential Low Density Multiple Family Zone be approved at 1141 5<sup>th</sup> Street (Lots 33 & 34, Block 28, Plan 7 BLTO) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-3” and the attached site plan “Attachment B-2”, subject to the owner or successor, prior to the issuance of a building permit:

1. submitting \$247.35 to the City of Brandon Planning & Building Safety Department as a cash-in lieu contribution for public reserve purposes;
2. submitting written confirmation to the City of Brandon Planning & Building Safety Department that the Brandon School Division has received \$283.50 as a cash-in lieu contribution for school purposes; and
3. submitting a revised site plan identifying that all five parking spaces be surfaced with either asphalt, concrete or paving brick.