


TITLE: <p style="text-align: center;">VARIANCE 634 Franklin Street Keller Enterprises Ltd.</p>						
PRESENTER: Robert Zilke, BES	FILE NO: V-11-15-B					
DEPARTMENT: Planning & Building Safety	MEETING DATE: June 17 th 2015					
CLEARANCES: Principal Planner	ATTACHMENTS: 1. Application related documents (Schedule A) 2. Map, air photo & drawings (Schedule B)					
APPROVALS: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;"> <i>Original signed by R. Zilke</i> Community Planner </td> <td style="width: 15%; text-align: center;"> June 1, 2015 Date </td> <td style="width: 33%; text-align: center;"> <i>Original signed by R. Nickel</i> Principal Planner </td> <td style="width: 15%; text-align: center;"> June 4, 2015 Date </td> </tr> </table>			<i>Original signed by R. Zilke</i> Community Planner	June 1, 2015 Date	<i>Original signed by R. Nickel</i> Principal Planner	June 4, 2015 Date
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REQUEST:

The applicant of the subject project, Evan Keller, is applying to vary:

- Note 7 to Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law to allow front vehicle access for a site that abuts a public lane.

The subject property is located at 634 Franklin Street (Lot 29/31, Block 11 Plan 9 BLTO) in the RLD Residential Low Density Multiple Family Zone and was previously approved for a density variance from (3) to four (4) units. Approval of this application will allow for the de elopement of a one-storey 4-plex with front and rear vehicle access.

BACKGROUND:

Development Context

The subject site contains a single family detached dwelling and is approximately 36.7m x 23m in size. The site is located west of Franklin Street, midblock between McTavish Avenue East to the north and Van Horne Avenue East to the south. The immediate surrounding area consists of properties zoned RLD, most of which have access off of a rear public lane. However, there are three (3) sites in the same block which have established front vehicle access that also have access to the rear public lane. The site is located within a level three methane zone.

History

The subject site is currently occupied by a single family detached house which was built in 1939 and is intended to be demolished. The property owner applied for and was approved for a density variance in September 2014, from three (3) units to four (4) units. A similar front access and density variance application was recently approved for a property located on the same block across the street at 659 Franklin Street. The approval by City Council was the result of a successful appeal to the Planning Commission's decision to reject the original variance request.

ANALYSIS:

The variance application is to allow vehicle access from the front street for a site that abuts a public lane. Two of the four dwelling units will be oriented towards Franklin Street, while the two other dwelling units

will be oriented toward the lane to the west. There is no public sidewalk adjacent to the property, therefore no direct pedestrian connections from the units is required. Vehicular access is proposed to be from both the front and the rear of the property. In accordance with Section 3.03 of the Methane Gas Sites Policy, any development on an area located within Zone 3 of the Methane Gas Sites Policy is required to be tested and interpreted by a Professional Engineer. If methane gas is found onsite then the developer must enter into a Save Harmless Agreement with the City and follow the requirements that are set out for Zone 2 in the Methane Gas Sites Policy. If, however, the report determines that there is no methane gas present, the Developer is not required to fulfill any further obligations.

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 character of the homes in the neighbourhood are largely with rear lane access. There are a total of four (4) existing properties with front accesses within the same block as the subject site, along both the east and the west sides of Franklin Street. Only one of these four driveway accesses is paved and the other three are of gravel surface. These gravel driveways are considered lawful non-conforming as they were established prior to the approval of the current Zoning By-law. The proposed variance to allow another front access will increase the number of front approaches within the same block, which will further impact the general character and the prevalent streetscape of the area. The compatibility of new front accesses in established neighbourhoods with rear lanes varies depending on the number of existing front accesses in the neighbourhood. New front accesses might be more compatible in areas where front accesses are the dominant feature of the streetscape.

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;

In front accessed developments, driveway crossings increase the level of vehicle and pedestrian conflict on the sidewalk. However, the proposed driveway access would be midblock thereby avoiding any potential conflict with local roads or an intersection. Franklin Street is classified as a local street with low traffic volume, and therefore, front access would have little effect on surrounding properties or local traffic.

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 width of the property along the rear lane is 22.9m in width which can accommodate the required six (6) parking spaces, including the required accessible stall. Designing the site to allow for access only from the rear lane does not impose an injurious effect on 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

Note 7 of Table 11: Residential Bulk and Siting Requirements under section 35 of the City of Brandon Zoning By-law stipulates that: "Where a property does not abut a public lane, vehicle access may be obtained from the front street..." The aforementioned note from the Zoning By-law is further clarified in provision 3.3(e) of the recently adopted Urban & Landscape Design Standards which state that, "Where residential sites are serviced by a functioning rear lane, all vehicle access including parking should be from the lane. The proposed variance does not comply with the intent of this provision set forth in the design standards. The proposed building design does comply with provision 4.2 of the Urban & Landscape Design Standards regarding orientation and entrances by including two entrances fronting onto Franklin Street.

Commenting Agencies

A summary of comments on the application are summarized below. All other comments received have been addressed.

City of Brandon

- The subject property is located in the Methane Gas Zone 3.
- A site plan showing the water and the sewer services as well as the drainage of the site is required.
- There is a hydro pole located in the back lane.

Planning Hearing Requirements

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; notice posters were posted on the property.

Public

Outreach

Pursuant to provision (b)(2)(iv) of Appendix D: Public Outreach Requirements in the Zoning By-law, public outreach is not a requirement as the proposal does not increase the permitted density or intensity of the use of the land. As of the writing of this report, the Planning & Building Safety Department has not received any written comments in favour of or in opposition to this application.

RECOMMENDATIONS:

1. That the Public Hearing for Variance Application V-11-15-B at 634 Franklin Street be concluded.
2. That Variance Application V-11-15-B at 634 Franklin Street to allow front and rear access for a site that abuts a public lane be **rejected**.