


TITLE: VARIANCE 120 5th STREET OWNER: 4854971 MANITOBA LTD APPLICANT: ALLAN SHALWANI		
MEETING DATE: May 15 th , 2019		Page 1 of 3
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Shengxu Li	MANAGER: Ryan Nickel, Chief Planner	

RECOMMENDATIONS:

That Variance Application V-03-19-B to vary Section 59, Table 14 of the Zoning By-law to decrease the building height from two (2) storeys to one (1) storey in the HUB Mixed Use (HMU) Zone be approved at 120 5th Street (Lots 13/20, Block 64, Plan 2 BLTO) in accordance with the letter of intent "Attachment A-1 and A-2" and the site plan "Attachment B-2" and elevation plan "Attachment B-3".

BACKGROUND:

Request

The applicant, Allan Shalwani, on behalf of the property owner, 4854971 Manitoba Ltd., is applying to vary Section 59, Table 14 of the Zoning By-law to decrease the building height from two (2) storeys to one (1) storey for property located at 120 5th Street in the HMU Zone. Approval of this application will allow for the redevelopment of a commercial use (beer vendor) on the site.

Development Context

The site is currently vacant, and is located on the southwest corner of 5th Street and Rosser Avenue. Uses surrounding the site include a decommissioned bus terminal to the west and a hotel to the south, a community resource centre to the east across the 5th Street and a news press company to the north across Rosser Avenue. Rosser Avenue previously provided vehicle access to the site.

History

The one-storey beer vendor building previously occupied the site was destroyed by a fire in May 2018 and the site was vacant since then. The property owner has been actively seeking to redevelop the site and continue operating the beer vendor business.

ANALYSIS:

The property owner is proposing to construct a one storey, 240 square metre building to continue the operation of the beer vendor business. The canopy of the building and parking facilities (for product pickup) will be located on the west side of the 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 buildings in the surrounding area are mostly one-storey buildings with the exception of a multi-storey hotel across Princess Avenue to the north of the 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 proposed commercial use (beer vendor business) existed on the site before the fire destroyed previous building. The proposed commercial development is consistent with the commercial uses in the surrounding area, and will not negatively impact the welfare of people and development potential in 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

The intent of the two storey minimum height in the HMU Zone is to provide greater density and intensity of uses in downtown, and particularly upper storey residential to support the retail and other commercial businesses in downtown. The site is located at eastern edge of HMU Zone, closer to HUB Transitional Zone area that traditionally accommodates lower density and intensity commercial uses. A beer vendor use is more easily accommodated as a one storey building, so limiting the requiring a two storey height is partially injurious to the applicant's property.

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 proposed redevelopment conforms to policies of City of Brandon HUB Secondary Plan By-law No. 7010:

- Glazing on facades: More than 50% glazing on facades of building to achieve visual transparency
- Building location: Building is oriented towards and placed near the property line edge with entrance that directly access the sidewalk
- Corner prominence: Building oriented towards both streets (5th Street and Rosser Avenue) and frame the intersection

- Parking: The parking facility (for product pickup) is located beside the building on the west side of property

The proposed development complies all other applicable requirements in the Zoning By-law, except for the variance on the request.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

The following comments identify issues that must be addressed before the development permit issued:

- The applicant is to provide a lot grading plan with pre and post site runoff calculations
- The applicant is to provide turning radius diagram on the site plan to demonstrate that driving aisle width can accommodate truck traffic for the site
- Proper signs that direct vehicular traffic with ingress (entrance) on 5th Street and egress (exit) on Rosser Avenue should be put on the site plan
- Proposed and modified accesses to the site should conform to the City's construction standards

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with 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 site and notice posters were posted on the site.

Public Outreach

In accordance with Section 13 of the Zoning By-law, no additional public outreach effort is required, as the variance to the Zoning By-law is not resulting in the increase of intensity or density of the use of the site. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.