

Variance to Zoning By-law No. 7124

Name of Property Owner: Matthew & Jana Kiazzyk
 Name of Applicant: Matthew Kiazzyk
 Civic Address of Property: 123 Fraser Crescent
 Legal Description of Property: 12-1-42409

References:

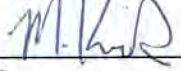
BAPD Development Plan By-law No. 95/01/12
 Applicable Secondary Plan By-law
 City of Brandon Zoning By-Law No. 7124

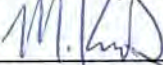
Prior to submitting a formal application, the Planning & Buildings Department strongly recommends that all applicants meet with a Community Planner to complete a pre-application review

Variance Request(s):

To vary Table 10 of the Zoning By-law to reduce the minimum required setback for an accessory building on a corner lot from 3.0 m to 0.3 m to place a shed

As the applicant, I confirm and verify to the City that the information provided in this application is true and complete, and I undertake to observe and perform all provisions of The Planning Act, the Development Plan, the Zoning By-law, and the provisions of other relevant laws, by-laws or agreements.

Signature of Applicant:  Date: May 10, 2019
 Address: 123 Fraser Cres Postal Code: R7A 2X2
 Phone No.: (Primary) 204-316-0098 (Secondary) N/A
 Email Address: mattkiazzyk@gmail.com

Signature of Owner:  Date: May 10, 2019
 Address: 123 Fraser Cres Postal Code: R7A 2X2
 Phone No.: (Primary) 204-316-0098 (Secondary) N/A
 Email Address: mattkiazzyk@gmail.com

The personal information which you are providing is being collected under the authority of The Planning Act and will be used for the purpose of approving this application. Information is also being collected for the purpose of statistical reporting. It is protected by the Protection of Privacy provisions of The Freedom of Information and Protection of Privacy Act. If you have any questions about the collection and/or use of information, contact Jennifer Houlihan, FIPPA Coordinator, City of Brandon Planning & Buildings Department, 638 Princess Avenue Brandon, Manitoba, R7A 0P3, Telephone 204-729-2116

FOR PLANNING DEPARTMENT USE ONLY:			
Community Planner: <u>S. Temba</u>	Planning File No.: <u>V-06-19-B</u>	CityView No.: <u>2019-41</u>	
Date Application Received: <u>May 10/19</u>	Payment Date: <u>May 10/19</u>	Receipt No.: <u>19-7424</u>	Amount: <u>\$ 650.00</u>
Variance Application			REV 12/2018

May 10, 2019

City of Brandon
Planning & Buildings Department
638 Princess Ave

Dear Sirs:

Re: 123 Fraser Cres Variance Application

My name is Matthew Kiazyk and I am the owner of 123 Fraser Crescent.

I wish to apply for a variance of Zoning By-law 7142 by decreasing the amount of a required setback for an accessory building from 3.0 m to 0.3 m in order to put a 8ft x 10ft shed in the SW corner of the lot.

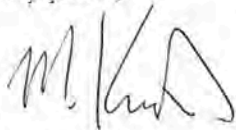
Currently the property has a 3m drainage swale on the rear east side of the lot. The Lot Grading Bylaw requires that I maintain that swale and any accessory building must be placed outside of that.

The shed will be constructed with wood and have shingles similar in colour to the principal building as well as the colour of the shed will be similar to the principal building. I do not believe this variance will create any inconsistency with the overlay development plan for this area.

The shed will be visible (roofline) from the south and west streets. The sidewalk on Adam's drive is on the south side of Adam's drive.

Since the drainage swale is required on the rear portion of the property, the reduced setback on a corner lot along the south property line is required in order to place an accessory building.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'M. Kiazyk', written in a cursive style.

Matthew Kiazyk

Variance

A variance is a process that allows a deviation from the Zoning By-law for a particular property. If a property cannot meet the requirements of the Zoning By-law due to unique circumstances, the approval authority may grant an affected owner an opportunity for relief from the Zoning By-law. A variance can be approved to allow a modification to development standards, such as minimum building setbacks and height restrictions.

Documentation and Fee Requirements

- Application Fee: See fee schedule
- Status of Title: Issued by Brandon Land Titles Office no later than 30 days before the date of the application
- Letter of Authorization: From registered owner(s) of the land whose name(s) appear on the title
- Letter of Intent: As per attached checklist
- Site Plan: As per attached checklist
- Community Participation Report: As per attached checklist
- Other plans and documentation may be required, depending on the nature of the request

Application may not be processed until all of the above information has been submitted

Timelines

The process generally can take seven (7) weeks at best. Complicated applications may take a longer period of time. If the request is determined by the Planning, Property & Buildings Department to be a minor variance (a deviation from the Zoning By-law of no more than 10%), the process may take as little as two (2) weeks.

Decision Making Authority

Variance applications are decided by the Planning Commission, an independent body of five (5) members appointed by City Council. If there is an appeal to the Planning Commission's decision, City Council will make a final decision. Minor variance applications may be decided by the Planning & Buildings Department.

Pre-Application Review

Before formal submission of an application, the Planning, Property & Buildings Department can do a preliminary review of the application package and, if necessary, advise the applicant on which elements of the package should be revisited. The Planning & Buildings Department cannot guarantee support or approval of an application, as it must objectively analyze all applications. The pre-application review may take two to three (2-3) weeks.

Public Hearing

The applicant must attend a public hearing scheduled by the Planning & Buildings Department, and he/she is responsible to present details of his/her application and answer any questions the Planning Commission may have. The public hearing allows the general public to comment on the application prior to the Planning Commission's decision.

Appeals

Anyone who commented on the application and is not satisfied with the Planning Commission's decision may file an appeal in writing to the Office of the City Clerk. The appeal must indicate who is appealing, the Variance Order number, and the reasons for the appeal.

Conditions and Limits of Approval

Variance approvals that have been inactive for twelve (12) consecutive months will lapse and become null and void. Some approvals may have conditions attached; unless otherwise indicated in the conditions, they must be satisfied within twelve (12) months of the date of approval.



Letter of Authorization

May 10, 2019

Date: _____

To: City of Brandon
Planning & Buildings Department
638 Princess Avenue
Brandon, MB R7A 0P3

123 Fraser Cres

RE: _____ (address or legal description of application)

I (We) hereby give authorization to:

Matthew Kiazuk

_____ (Applicant's name)

To apply for a development application for the above address.

Registered Owner(s) on the Current Status of Title:

Matthew Kiazuk

May 10, 2019

Name (Print)

Name (Signed)

Date

Name (Print)

Name (Signed)

Date

Name (Print)

Name (Signed)

Date

Name (Print)

Name (Signed)

Date

Letter of Intent (Variance) Requirements

All letters of intent must have the following information:

For Planning Office Use Only

	<i>Provided</i>	<i>N/A</i>
1. Business/Formal letter format (addressed to “City of Brandon Planning & Buildings Department”, signed and dated)	<input type="radio"/>	<input type="radio"/>
2. Name(s) of applicant(s)	<input type="radio"/>	<input type="radio"/>
3. Location of proposed development (civic address and legal description)	<input type="radio"/>	<input type="radio"/>
4. Description of proposed development/request (e.g. What kind of variance is being sought? What is being constructed/developed on site?)	<input type="radio"/>	<input type="radio"/>
5. Demonstrate the proposal meets the four criteria set forth in Section 97(1) of <u>The Planning Act</u> to approve a variance		
• Will it be compatible with the general nature of the surrounding area?	<input type="radio"/>	<input type="radio"/>
• Will it be detrimental to the health of general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area?	<input type="radio"/>	<input type="radio"/>
• Is it the minimum modification of the zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant’s property?	<input type="radio"/>	<input type="radio"/>
• Is it generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law?	<input type="radio"/>	<input type="radio"/>

Site Plan (Conditional Use and Variance) Requirements

The site plan must be drawn to scale with all dimensions clearly labeled and submitted in PDF and paper format (Maximum Size: 11" x 17") showing:

For Planning Office Use Only

	Provided	N/A
1. Title and date (latest revision)	<input type="radio"/>	<input type="radio"/>
2. North arrow (oriented to top of page)	<input type="radio"/>	<input type="radio"/>
3. Drawing scale (metric)	<input type="radio"/>	<input type="radio"/>
4. Location (civic address and legal description)	<input type="radio"/>	<input type="radio"/>
5. Site lines and all adjacent public rights-of-way	<input type="radio"/>	<input type="radio"/>
6. All easements (e.g. utility, overland drainage)	<input type="radio"/>	<input type="radio"/>
7. Total floor area of building(s) (m ²)	<input type="radio"/>	<input type="radio"/>
8. Existing/proposed buildings (include setbacks from property lines)	<input type="radio"/>	<input type="radio"/>
9. Roadways, driveways, laneways, aisles	<input type="radio"/>	<input type="radio"/>
10. Pedestrian connections	<input type="radio"/>	<input type="radio"/>
11. Parking	<input type="radio"/>	<input type="radio"/>
12. Existing/proposed utilities on or near the site	<input type="radio"/>	<input type="radio"/>
13. Any other information as required	<input type="radio"/>	<input type="radio"/>

Community Participation Report

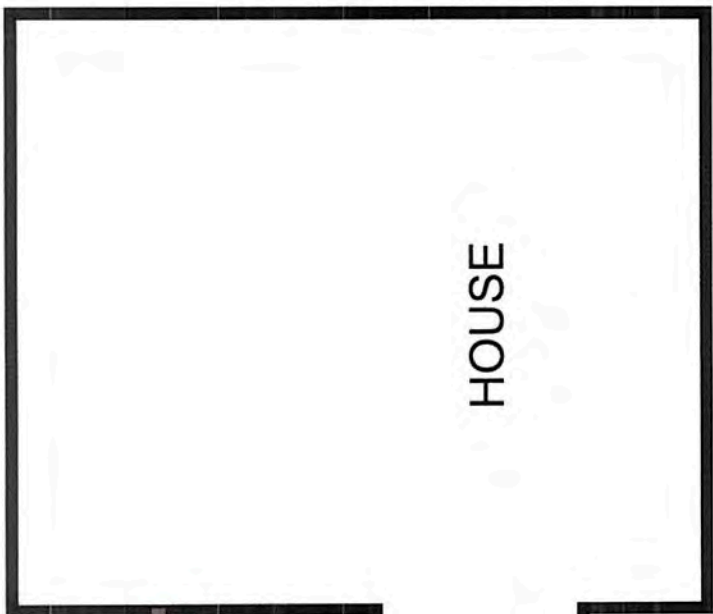
All community participation reports must include the following information:

For Planning Office Use Only

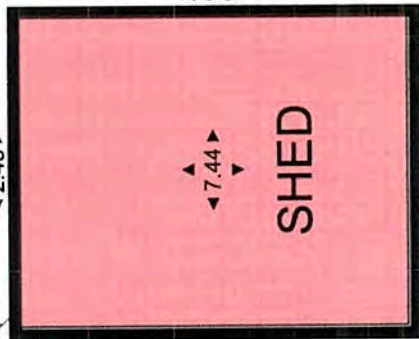
1. Business/Formal letter format (addressed to "City of Brandon & Buildings Department", signed and dated)
2. Name(s) of applicant(s)
3. Method(s) of notification
4. List of properties that were notified
5. Summary of comments or concerns
6. Summary of efforts to address comments or concerns
7. If a public meeting is held, the date and location of the meeting

Provided

N/A



HOUSE



SHED

2.45

7.44

3.04

0.61

0.3

1.22



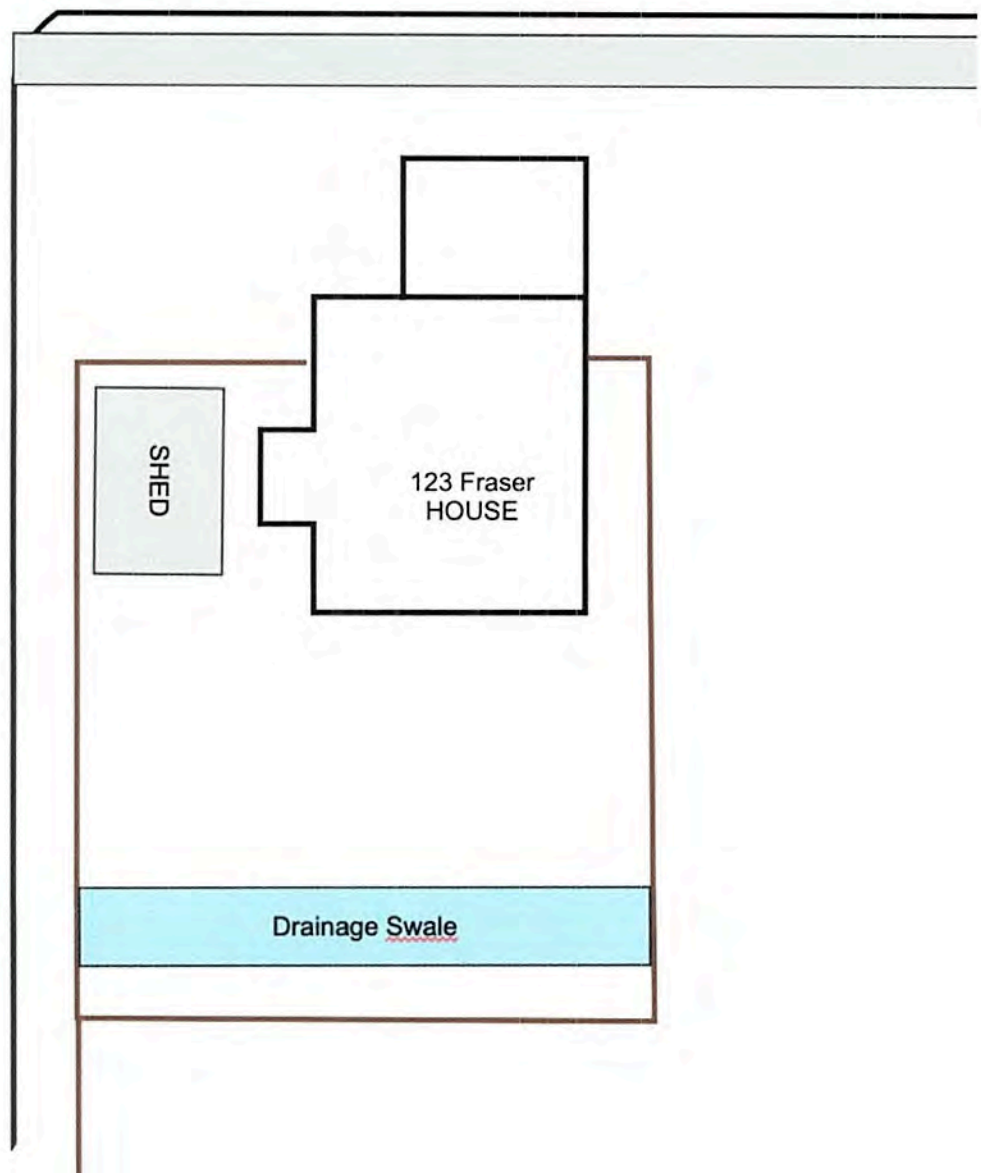
N

BACKYARD

1.8pd tall

FRASER CRES

ADAMS DRIVE



STATUS OF TITLE

Title Number **2854206/2**
Title Status **Accepted**
Client File

The Property Registry

A Service Provider for the Province of Manitoba



1. REGISTERED OWNERS, TENANCY AND LAND DESCRIPTION

MATTHEW JOSEPH KIAZYK AND JANA MARIE KIAZYK

ARE REGISTERED OWNERS AS JOINT TENANTS SUBJECT TO SUCH ENTRIES
RECORDED HEREON IN THE FOLLOWING DESCRIBED LAND

LOT 12 BLOCK 1 PLAN 42409 BLTO
IN NW 1/4 26-10-19 WPM

The land in this title is, unless the contrary is expressly declared, deemed to be subject to the reservations and restrictions set out in section 58 of *The Real Property Act*.

2. ACTIVE INSTRUMENTS

Instrument Type: **Caveat**
Registration Number: **1142275/2**
Instrument Status: **Accepted**

Registration Date: 2004-03-02
From/By: THE CITY OF BRANDON
To: W. W. (WILL) MAJCHER AS AGENT

Amount:
Notes: No notes
Description: No description

Instrument Type: **Caveat**
Registration Number: **1146813/2**
Instrument Status: **Accepted**

Registration Date: 2004-06-15
From/By: MANITOBA HYDRO-ELECTRIC BOARD ET AL
To: CHARLES STEELE/W.F.JOHNSTONE/LEO BOIVIN, AGENTS

Amount:
Notes: RE PLAN 42839
Description: EASEMENT AGRT DATED 17 DEC 2003

Instrument Type: **Mortgage**
Registration Number: **1402179/2**
Instrument Status: **Accepted**

Registration Date: 2016-08-02
From/By: MATTHEW JOSEPH KIAZYK & JANA MARIE KIAZYK
To: ROYAL BANK OF CANADA

Amount: \$390,727.40
Notes: No notes
Description: No description

3. ADDRESSES FOR SERVICE

MATTHEW JOSEPH KIAZYK
123 FRASER CRESCENT
BRANDON MB
R7A 2X2

JANA MARIE KIAZYK
123 FRASER CRESCENT
BRANDON MB
R7A 2X2

4. TITLE NOTES

No title notes

5. LAND TITLES DISTRICT

Brandon

6. DUPLICATE TITLE INFORMATION

Duplicate not produced

7. FROM TITLE NUMBERS

2617470/2 All

8. REAL PROPERTY APPLICATION / CROWN GRANT NUMBERS

No real property application or grant information

9. ORIGINATING INSTRUMENTS

Instrument Type: **Transfer Of Land**
Registration Number: **1402178/2**

Registration Date: 2016-08-02
From/By: BYUNG CHOL LEE & KYUNG HEE LEE
To: MATTHEW JOSEPH KIAZYK & JANA MARIE KIAZYK
Consideration: \$397,000.00

10. LAND INDEX

Lot 12 Block 1 Plan 42409
NW 26-10-19W

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE
SYSTEM OF TITLE NUMBER 2854206/2



RECEIPT OF PAYMENT

Receipt #: 2019007424
Receipt Date: 05/10/2019
Date Paid: 05/10/2019
Full Amount: \$650.00

Payment Details:	Payment Method	Amount Tendered	Check Number
	MasterCard	\$650.00	
Amount Tendered:	\$650.00		
Change / Overage:	\$0.00		
Contact:	KIAZYK, MATTHEW J, Address:123 FRASER CRES, Phone:(204) 316-0098		

FEE DETAILS:

Fee Description	Reference Number/ Civic Address	Amount Owing	Amount Paid
Variance - Prior to Commencement Fee	PLVA20190000041/ 123 FRASER CRES	\$650.00	\$650.00