


TITLE: VARIANCE 360 — 22nd STREET (LOTS 1/2, BLOCK 37, PLAN 15 BLTO) APPLICANT & OWNER: STEVE McMILLAN		
MEETING DATE: August 17, 2022		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Letters of objection	
PRESENTER: Justin Quigley, Community Planner	MANAGER: Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

That Variance Application V-18-22 to reduce the number of parking spots from six to five in the Residential Low Density (RLD) Zone at 360 – 22nd Street (Lots 1/2, Block 37, Plan 15 BLTO) be **rejected**.

BACKGROUND:

Request

The applicant and owner, Steve McMillan, is applying to allow for a reduction in the minimum required parking spaces from six (6) to five (5). The applicant is proposing to build a four-unit residential building on a corner site in the Residential Low Density (RLD) Zone.

Development Context

The subject site currently has a detached dwelling, and is located on the northwest corner of the 22nd Street/Louise Avenue intersection. Uses surrounding the site include a variety of low-density dwellings. Further away from the site are several community facilities, including Coronation Park to the west, Sioux Valley High School to the southwest, West End Community Centre to the northwest, and Brandon University to the east. Commercial uses are located to the southwest of the site along Victoria Avenue. Access to the site is off a rear lane west of the site.

History

The detached dwelling on the site was built in 1914. The City issued a demolition permit in 2022, but the permit applicant has since cancelled the permit.

ANALYSIS:***Variance***

The applicant is proposing to reduce the minimum parking requirement for a four-unit residential building with two or more bedrooms per dwelling unit from six parking spaces to five (Attachment B-3). The applicant's letter of intent (Attachment A-1) states there is sufficient street parking frontage as the site is a corner site, and that future residents needing street parking may apply for a residential parking permit from the City. The applicant also identifies that the site is in close proximity to Brandon University and will be marketed to university students. The applicant expects that students are less likely to own a vehicle and warrants that a reduction in on-site parking may be more suitable for this demographic, which may result in no need for off-site parking, on-street or otherwise. Administration acknowledges that Policy 2.2.5 of the Brandon & Area Planning District Development Plan supports the increase of residential density and housing options around major institutions such as Brandon University.

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;***

Properties surrounding the site all provide adequate on-site parking in accordance with the Zoning By-law. However, street parking is available for local residents should the vehicle be displaying a valid residential parking permit and be parked within one block of the residence for which the permit applies. The intent of on-street parking permits is to accommodate parking in higher-demand areas for sites generating greater demand than the sites already provide in compliance with the Zoning By-law.

All recently developed residential buildings in the area including two or more dwelling units comply with the Zoning By-law's on-site parking requirements. The proposed reduction in the minimum parking requirements will therefore not be compatible with the general nature of the surrounding 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;

The applicant's letter of intent states that the two streets flanking the site can adequately provide the outstanding parking space the site requires. The applicant further states that the development will target students attending Brandon University, and there is an expectation that these tenants are less likely to own a personal vehicle. The City acknowledges that corner sites in principle have direct access to more on-street parking as compared to interior sites, and that the site is in close proximity to Brandon University.

Street parking exists on rights-of-way as a benefit for all nearby uses, such as accommodating visitors and residential parking for constrained sites unable to provide additional permanent on-site parking. An on-site parking reduction will reduce the availability of on-street parking for other users. The reduction of on-street parking could create a precedent for similar requests. Reducing parking requirements in an area with an existing high demand for street parking, such as the area surrounding Brandon University, will be detrimental to the general welfare of people living or working 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 applicant is proposing a four-unit residential building with at least two bedrooms for each dwelling unit. The applicant could comply with the minimum parking requirements through exploring other options for the property including reducing the density to three units or reducing the bedroom count and size of two of the units to one bedroom with a maximum unit area of 51.0m².

The Planning Act requires that variance applications be reviewed solely for its land use restrictions and merits. Although the applicant raised valid arguments on the appropriateness of the request for the area, Administration's analysis identifies multiple other options that could be pursued that would comply, and therefore the variance is not the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on 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*

Brandon & Area Planning District Development Plan 2013

- Site designated "Residential" (Reference Map 11)
- Proposed development provides a mixture of housing options in the neighbourhood (2.2.2)
- Proposed development will contribute to a range of housing density options in the neighbourhood, and increase density in close proximity to major institution, transit routes, open space areas, and major collector streets (2.2.4 & 2.2.5)

City of Brandon Zoning By-law

- Proposed four-unit residential dwelling unit on a corner lot is permitted in the RLD Zone
- Proposed building complies with bulk and siting requirements for the RLD Zone, and shows compliance with site design standards in the Urban & Landscape Design Standards Manual

- Parking is the only non-compliance at hand, proposed to be addressed through this variance request

Commenting Agencies

The City did not receive any comments of significant concern from external agencies.

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, the applicant performed a mix of door-to-door and mailout outreach with nearby properties. The applicant identified the following concerns residents raised concerns during the engagement:

- The four-plex being rented to university students may result in noise complaints
- Proposed height of the building
- Expected number of residents living in each dwelling unit

As of writing of this report, the Planning & Buildings Department received three letters in opposition to this variance request (Attachment C). Concerns raised by residents in the letters included the following:

- Lack of on-street parking while Brandon University is in session, which will be further impacted should this site make use of on-street parking to accommodate the site's minimum parking requirements
- Concerns that university students may result in generating more parking than the minimum required parking
 - If the units are targeted toward Brandon University students, residents expect that each unit will be occupied by roommates, and each may require parking accommodations
- Loss of on-street parking accommodations for other residents in the area