



CITY OF BRANDON

UNDER THE PLANNING ACT

VARIANCE ORDER NO: V-13-22

Under Section 95 of The Planning Act, Kate McKenzie on behalf of Stephanie and Charles Jordan, applied to the Planning Commission of the City of Brandon to decrease the required railway right-of-way from 30.0m to 22.1m at 821 – 9th Street (Lots 19/20, Block 56, Plan 8 BLTO) in the RMD Residential Moderate Density Zone.

After careful consideration of the application and any representation made for or against the variation sought by the applicant, the City of Brandon Planning Commission was satisfied that the application:

- (a) will be compatible with the general nature of the surrounding area;
- (b) 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;
- (c) 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
- (d) is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law.

The Planning Commission therefore agreed to approve said Variance Application, whereby such approval was granted in accordance with the attached letter of intent (Attachment A-1), site plan (Attachment B-3), and concept renders (Attachment B-4 through B-6), subject to the following condition(s):

The owner or successor, at the time of building permit, submit a letter outlining design and construction details that outline mitigating measures to reduce the impact of noise and vibration. The following mitigating measures are recommended for consideration:

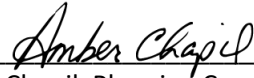
- a) Forced air ventilation systems with central air conditioning;
- b) The exterior wall siding of the building closest to the railway line to be brick or a masonry equivalent for the exposed façades;
- c) Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms;
- d) Locating noise sensitive rooms away from the railway side;
- e) Noise barrier fence providing a maximum 55 dBA limit for outdoor living areas;
- f) Lining the outside of the foundation walls with a resilient layer; and
- g) Isolating the upper floors from the foundation wall and any internal column supports using rubber pads designed to deflect 5 to 20mm under load.

The applicant shall outline in the letter which mitigating measures from the above have been included in the detailed design, which mitigating measures from the above have been addressed through alternative means, and, where mitigating measures from the above cannot be included, reasons for not accommodating such measures.

Dated this 8th day of September, A.D. 2022.

This Order shall expire if not acted upon within twelve (12) months of the date of making. The issuance of a building permit for the purposes of constructing the proposed building constitutes acting upon this order.

Pursuant to Section 34 of The Planning Act, the applicant, any person who made representation at a hearing on the application held by the Planning Commission, or a designated employee or officer of the City of Brandon Planning & Buildings Department may appeal the decision to City Council. The appeal must be in writing and submitted within 14 days of the date on this decision to the Legislative Services Department at 410 – 9th Street, Brandon, MB R7A 6A2, and identify the contact information and home address of the appellant, the decision being appealed, and the reason(s) for the appeal.



Amber Chapil, Planning Commission Clerk