

TITLE: CONDITIONAL USE AND VARIANCE 9 BRAECREST DRIVE OWNER: JOSHUA MCKAY AND 6836250 MANITOBA LTD. APPLICANT: DARREN GILCK		
MEETING DATE: August 5, 2026		Page 1 of 4
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Public outreach report D. Development Review Group report	
PRESENTER: Emmanuel Owusu Ansah, Community Planner	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

Conditional Use

That Conditional Use Application C-05-26 to allow buildings with four dwelling units on an interior site with no developed lane in the RLD Residential Low Density Zone be approved at 9 Breacrest Drive (Lot 12, Block 1, Plan 848 BLTO) in accordance with the attached letter of intent “Attachments A -1 to A-2” and site plan “Attachment B-3”, subject to the owner or successor entering into a development agreement with the City of Brandon as set out in “Attachment D” in this report.

Variance

That Variance Application V-09-26 to vary Table 10 under Section 51 of the Zoning By-law to reduce the required rear yard from 7.6m to 3.0m in the RLD Residential Low Density Zone be approved at 9 Breacrest Drive in accordance with the attached letter of intent “Attachments A-3 to A-4” and site plan “Attachment B-3”.

BACKGROUND:

Request

The applicant, Darren Gilck, on behalf of the property owners, Joshua McKay and 6836250 Manitoba Ltd., is applying for the following:

1. To allow buildings with four dwelling units on an interior site with no developed lane on property located at 9 Braecrest in the RLD Residential Low Density Zone
2. To vary Table 10 under Section 51 of the Zoning by-law to reduce the required rear yard from 7.6m from 3.0m in the RLD Residential Low Density Zone

Approval of this application will allow for the construction of two four-plexes in the RLD Zone.

Development Context

The site is located northwest of the 1st Street North and Braecrest Drive intersection. Uses surrounding the site include low-density residential developments to the east and west, commercial development to the south, a vacant lot to the north and moderate-density developments further north. Braecrest Drive provides access to the site.

History

The site previously had a detached dwelling with a detached garage. The dwelling was destroyed by fire, and the City issued a demolition permit in 2021 to remove the dwelling.

ANALYSIS:

Approval of this application will allow for the development of two four-dwelling unit buildings, totaling 8 units on the site. Demolition permits for the garage and accessory structure will be required prior to obtaining building permits.

Conditional Use

Consistency with Part 7, Section 106(1)(b) of The Planning Act and Demonstration that the Use:

1. Will be compatible with the general nature of the surrounding area;

The proposed building form is similar to the existing structures in the area, such as being two storeys in height and primary access from Braecrest Drive. While the proposal introduces a greater residential intensity than the existing low-density housing in the immediate area, the scale and form of the proposed buildings remain similar to the existing character of the area and compatible with the broader neighbourhood.

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 intent of requiring conditional use when a four-unit building is proposed on an interior site with no developed lane in the RLD Zone is to ensure access is compatible and supportable since primary access is off the street. The proposed site design accommodates both vehicle access and the required on-site parking. On-street parking is not permitted along this section of Braecrest Drive in the Braecrest Drive Function Study, as well, the site is in close proximity to the intersection further limiting on street parking options.

City Administration recommends, as a condition of approval, that the developer install "No Parking" signs along this block of Braecrest Drive. This will help discourage on-street parking and encourage the use of the on-site parking provided. Street parking will be limited to White Swan Street, further west of this property. With this condition, the proposed development is not expected to have any detrimental impact on surrounding properties or residents.

3. *Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law*

City Plan

- 7.1(3)(Residential General Policies)(a)(b)(c)(e) – supports residential development within a serviced General Urban Area with adequate water and wastewater capacity, while providing a mix of housing options and densities and promoting infill development within an established area and proximity to institutions. The site is less than 100m to Assiniboine Community College.
- 7.1(3)(Residential Development)(d) – supports small scale housing development along local and collector streets and Braecrest is a collector street

Zoning by-law

- The proposed development generally meets the bulk and siting requirements under the RLD Zone other than the requested variance as outlined next in this report

Variance

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*

Analysis already addressed under “Conditional Use” above in this report.

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 intent of the 7.6 m rear yard is generally to provide private outdoor amenity space for residents, accommodate access and parking behind structures, and ensure appropriate buffering from adjacent properties. In this case, there is no public lane at the rear of the site, and no parking is proposed within the rear yard. Therefore, the variance is requested to allow for access and usable space in front of the buildings, while the proposed 3.0 m rear yard setback continues to provide adequate separation and accommodates the proposed building footprint without compromising the intent of the Zoning By-law.

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*

Another intent of establishing a minimum rear yard is to facilitate a degree of privacy between neighbours. The site only has one rear neighbour, whose property is both larger in size and currently vacant.

The variance represents the minimum modification required to achieve the proposed site layout while maintaining adequate building separation, parking, and provision of amenity space elsewhere on 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*

As addressed in the conditional use component of analysis, the proposal complies with all other provisions of the City Plan and, apart from the requested variances, the Zoning By-law.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

Development agreement required with the following conditions:

- Mitigation of increased stormwater runoff
- Driveway approach to be brought into compliance with City of Brandon standards
- Contribution to boulevard trees
- Contribution towards future sidewalk
- Cash contribution to public reserve
- Installation of “No Parking” signs along Braecrest Drive
- Provision of amenity in the front in lieu of reduced rear yard

LEGISLATIVE REQUIREMENTS:***Notification***

In accordance with and exceeding minimum requirements under Subsection 169(3) of The Planning Act, notice was sent to owners of property within 100 metres (328 feet) of the subject property, and also posted on the subject property.

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicant did a door-to-door delivery of handouts to all residences within 100m of the site and sent a package to all addresses of non-resident property owners. The applicant identified that the consultation did not result in any comments or concerns. As of the writing of this report, the Planning & Buildings Department has not received comments in support or opposition to this application.