

RM of EAST ST. PAUL
ZONING BY-LAW 2009-04
VARIATION ORDER FILE NO. 115, 2022
PUBLIC HEARING

We are
Listening.

**Public
Hearing**

Tuesday,

December 13, 2022

5:30 PM

**Council Chambers
3021 Birds Hill Rd.
East St. Paul, MB**

Phone:

(204) 669-8880

1-800-876-5831

Fax:

(204) 669-8882

E-Mail:

info@rrpd.ca

Website:

redriverplanning.com



As per *The Planning Act*, any person can make representation on the matter at the meeting.

What is VO 115, 2022, about?

This variance application seeks to allow a reduced **side yard (north)** from 10 ft. (min.) to **5 ft. (min.)** and a reduced **building separation distance** from 10 ft. (min.) to **3 ft. (min.)** in the “**R1-17**” **Single Housing Dwelling Zone** to allow construction of a detached accessory (shed).



30 Linda Pl. (Roll 62044)

For those that wish to attend virtually, please contact the RM of East St. Paul office by phone at 204-668-8112 by 4:00pm on December 13, 2022 to register.

For more information please contact the Red River Planning District.

Red River Planning District
2978 Birds Hill Road., East St. Paul

Mon-Fri*
8:30 AM - 4:15PM

**excludes all statutory holidays*

****Note: Property owners are responsible for notifying "Tenants"***

Date: November 9, 2022
File: VO 115, 2022
To: Council, R. M. of East St. Paul
Prepared By: Ingrid Zarichney, Community Planning Assistant
From: Santan Singh, Community Planner
Location: 30 Linda Pl.
Lot 14, Blk. 4, Plan 17624 (Roll 62044)

Property Zoning:

"R1-17" Single Housing Dwelling Zone East St. Paul Zoning By-Law 2009-04

Variance Request Accessory	Required	Proposed
1. Side yard setback	10 ft. (min.)	5 ft. (min.)
2. Building separation from principal (from furthest projections)	10 ft. (min.)	3 ft. (min.) (eave to eave)

Purpose:

The applicant is proposing to place a prebuild shed that is considered as a detached accessory structure (a 10ft x 20ft shed) on the subject property. The Variances in the application are required for reduced side yard setback and the reduced building separation from the principal for the proposed shed.

Background:

The subject property contains a single-family dwelling with an attached garage.

The surrounding area is as follows:

- North: Properties zoned "R1-17" Single Housing Dwelling, developed with a single-family dwelling.
- East: Properties zoned "R1-17" Single Housing Dwelling, developed with a single-family dwelling.
- South: Properties zoned "R1-17" Single Housing Dwelling, developed with a single-family dwelling
- West: Across Linda Pl., then single-family homes zoned "R1-17" Single Housing Dwelling.

Circulation:

The proposal was circulated to the RM of East St. Paul. The comments we received are below:

Acting CAO: I have reviewed the public hearing package and I have no concerns or comments.

Director of Infrastructure: I have reviewed the public hearing package and I have no comments or concerns.

Operations Manager: I have reviewed the public hearing package and Public Works has no concerns with the variance as the shed is going on an existing cement driveway.

Planning: I have reviewed the public hearing package and I have no comments.

Fire Department: I have reviewed the public hearing package and the fire department has no concerns, as there is no impact on the fire department's ability to deliver emergency services.

Analysis

The applicant is proposing to place a prebuilt detached accessory (200 sq.ft. shed)) on site. Variances are required for the reduced north side yard setback and the building separation from the principal single-family house for the proposed shed.

In the *Planning Act*, a variance can receive approval if it is compatible with the surrounding area, is not harmful or detrimental to people or the surrounding area, is the minimum change necessary to overcome a hardship, and is generally consistent with the Development Plan, Zoning By-law, and Secondary Plan (there is no Secondary Plan in this area).

RRPD notes that the proposed building separation from the principal is not a minimal change of the zoning requirements. The applicant is requesting to vary 70% of the required separation distance requirements.

This variance was circulated to the RM Administration for their comments. We did not receive any concerns or objections on this proposal during the circulation period.

Options:

Under section 97(1) of *the Planning Act*, on completion of the public hearing, Council may:

- (a) reject the requested variance; or
- (b) varying the application of specific provisions of the zoning by-law with regard to the affected property in the manner specified in the order if the variance
 - (i) will be compatible with the general nature of the surrounding area,
 - (ii) 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,
 - (iii) is the minimum modification of a zoning by-law required to relieve the injurious affect of the zoning by-law on the applicant's property, and
 - (iv) is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law.

Under section 98(1) of *the Planning Act*, in making a variance order under clause 97(1) (b) above, Council may:

- (a) impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the requirements of clause 97(1)(b); and
- (b) Require the owner of the affected property to enter into a development agreement under section 150.

Recommendation:

Should Council approve the requested zoning variances, we recommend the following conditions:

1. This variance is limited to reduced side yard and reduced building separation as presented in this application. Any changes in use, additions, and/or replacement may require a new variance approval.
2. Applicant / owner obtains required permits from the Red River Planning District (RRPD) and the Municipality.

RRPD LOCATION MAP

LOCATION

Illustrating Subject Property




SUPPORTIVE MAPPING


Variance Order VO 115, 2022


30 Linda Pl. RM of East St. Paul

Designation: "SC" Settlement Centre

Zoning: "R1-17" Single Housing Dwelling

 Subject Property

 Roads

 Parcel Outline



Please refer to applicant's Site Plan. Not To Scale. For Discussion Purposes Only.

Letter 8.5 x 11

Date: October, 2022



SUPPORTIVE MAPPING


Variance Order VO 115, 2022

30 Linda Pl. RM of East St. Paul

Designation: "SC" Settlement Centre

Zoning: "R1-17" Single Housing Dwelling

Please refer to applicant's Site Plan. Not To Scale. For Discussion Purposes Only.

 Subject Property

 Roads

 Parcel Outline

 **RED RIVER**
PLANNING DISTRICT

APPLICANT PROVIDED INFORMATION

October 14, 2022

Dear Sir/Madame:

I would like to place a prebuilt shed on the north east side of my house, at 30 Linda Place, East St Paul.

The shed is from Premier Portable Buildings, and is the utility shed model. The dimensions of the shed are, W – 10 ft., L – 20 ft., H – 9 ft. It would be placed on an existing cement driveway.

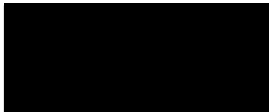
However, I have been informed that a structure must be a least 10 ft from the property line in my area. I have 20 ft from my property line to my house. I would like to place the shed 5 ft from my house and 5 ft from the property line. Therefore, I would like to request a variance for this purpose.

I have spoken to my neighbours regarding my preferred placement of the shed and they are not opposed to this.

I appreciate your consideration of this request.

Regards

Lawrence Roberecki



Ingrid Zarichney

From: [REDACTED]
Sent: October 18, 2022 2:41 PM
To: Ingrid Zarichney
Subject: RE: variation
Attachments: Image (86).jpg; Image (87).jpg; Image (88).jpg

Hi Ingrid

The amendment to the site plan is as follows:

* - The building separation from eave to eave is 3 feet. *

Also, please see the attached title.

Thanks

Lawrence Roberecki

From: Ingrid Zarichney <ingrid@rrpd.ca>
Sent: October 18, 2022 8:38 AM
To: [REDACTED]
Subject: variation

Good Morning, Lawrence

While I'm waiting for your title, I need you to amend your site plan and put the proper building separation distance from eave to eave on your site plan. I do believe you said the 5 ft. was taken from wall to wall and needs to be taken from eave to eave.

You can email it to me, so you don't have to come down to the office again, if you wish.

Thank You



Ingrid Zarichney
Community Planning Assistant
Red River Planning District

806-A Manitoba Ave. Selkirk MB R1A 2H4
Tel: 204-482-3717 Fax: 204-482-3799
www.redriverplanning.com

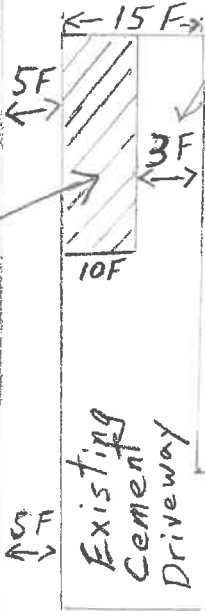
Planning and Development Services for the Municipalities of:
Dunnottar – East St. Paul – St. Andrews – St. Clements – West St. Paul

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92.84 F

181 F

Proposed
Prebuilt
Shed
10 F X 20 F



EAVE TO EAVE

Existing ^{62 F} One-Story House + Garage
1760 Sq Ft.

38 F

45 F

181 F

← N →

92.84 F

30 Linda Place

OTHER INFO

(Government Comments, other relevant information)

Public Hearing Comments

November 29, 2022

VO 115, 2022 – 30 Linda Place

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Director of Infrastructure: I have reviewed the public hearing package and I have no comments or concerns.

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