

NOTICE OF PUBLIC HEARING

VARIANCE APPLICATION

R.M. of St. Clements

Under authority of *The Planning Act*, the municipal Council will hold a public hearing at the time and location listed below to hear from those who wish to speak in support or objection, or to ask questions. For more info on how to register for the public hearing please contact the municipality at 204 482-3300.

Tuesday
January 28th, 2025
6:00 p.m.

Council Chambers
1043 Kittson Road, East Selkirk
R.M. of St. Clements, MB

Note: property owners are responsible for notifying "tenants"

APPLICATION INFORMATION

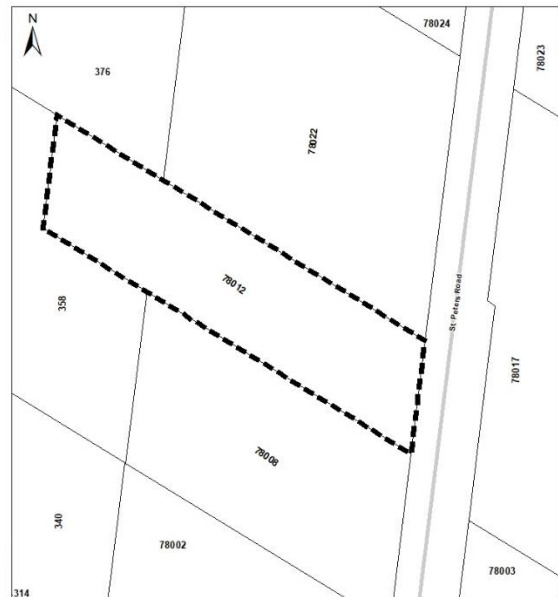
Application File: VO 133, 2024

Applicant: Kasian

Property Location: 78012 St. Peters Road
R.M. of St. Clements
Roll #416390
Lot 1, Plan 18681

Application Purpose:

The applicant proposes to increase the maximum number of accessory structures allowed from two (2) to three (3), reduce the front yard setback for an accessory structure from 50 ft (min) to 37.5 ft, and bring the legal non-conforming garage into conformance by reducing the permitted front yard setback to 5.25 ft.



Variance Request	Zoning By-law Requirement	Proposed by Applicant
Number of Accessory Structures (Section 3.2.4)	2 (max)	3
Front yard (accessory) (Table 14)	50 ft (min)	5.25 ft
Side yard (principal) (Section 3.22.5, Table 14)	15 ft (min)	0 ft

A copy of the above-noted proposal and supporting material is available on the Red River Planning District website at <https://www.redriverplanning.com/hearings.php> or by contacting the Red River Planning District in person during normal business hours Monday to Friday at 2978 Birds Hill Road, East St. Paul, by phone at 204 669-8880, or by email at info@rrpd.ca

VARIANCE APPLICATION REPORT

Date	December 5, 2024
Application File	VO 133, 2024
Applicant	Kasian

SUBJECT PROPERTY INFORMATION

Property Location	
- Street Address	78012 St. Peters Road, R.M. of St. Clements
- Roll #	416390
- Legal	Lot 1, Plan 18681
Zoning	“RA” Suburban Residential zone RM of St. Clements Zoning By-law No. 5-2002
Development Plan Designation	“SC” Settlement Centre RRPD Development Plan By-law No. 272/19
Property Size	1.39 acres in area (+/-) 132 feet in width (+/-) <i>NOTE: Information is based on GIS data</i>

APPLICATION DETAILS / PROPOSAL

Variance Request	Zoning By-law Requirement	Proposed by Applicant
Number of Accessory Structures (Section 3.2.4)	2 (max)	3
Front yard (accessory) (Table 14)	50 ft (min)	5.25 ft
Side yard (principal) (Section 3.22.5, Table 14)	15 ft (min)	0 ft

Application Purpose

The applicant proposes to increase the number of accessory structures on their property from 2 (max) to 3, reduce the minimum front yard setback for accessory structures from 50 ft (min) to 5.25 ft, and reduce the side yard setback for the principal structure from 15 ft (min) to 0 ft in the “RA” Suburban Residential zone.

The requested Variances cover an existing shed, garage, hot tub, and the principal dwelling. The garage was existing when the current property owner bought the property, while the shed and hot tub were both added since. While the distance between the hot tub and the house is shown at 3.11 ft on the site plan, which is below the 10 ft minimum separation distance between an accessory structure and a

principal building, Section 3.2.3.1 of the St. Clements Zoning By-Law excludes hot tubs as part of the 10 ft separation distance from accessory to principal building.

It should be noted that the current house is encroaching on an adjacent property and the garage is abutting the front yard property line. A zoning memorandum from 1997 (ZM 36/97) indicates that the front yard setback for the garage is 5.25 ft, and the house completely encroaches the adjacent property. Upon speaking with the property owner by phone, they wish to bring both structures into conformance by applying for the necessary Variances.

This application was circulated to the municipality, and we have not received comments as of the writing of this report.

OPTIONS FOR COUNCILS CONSIDERATION

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

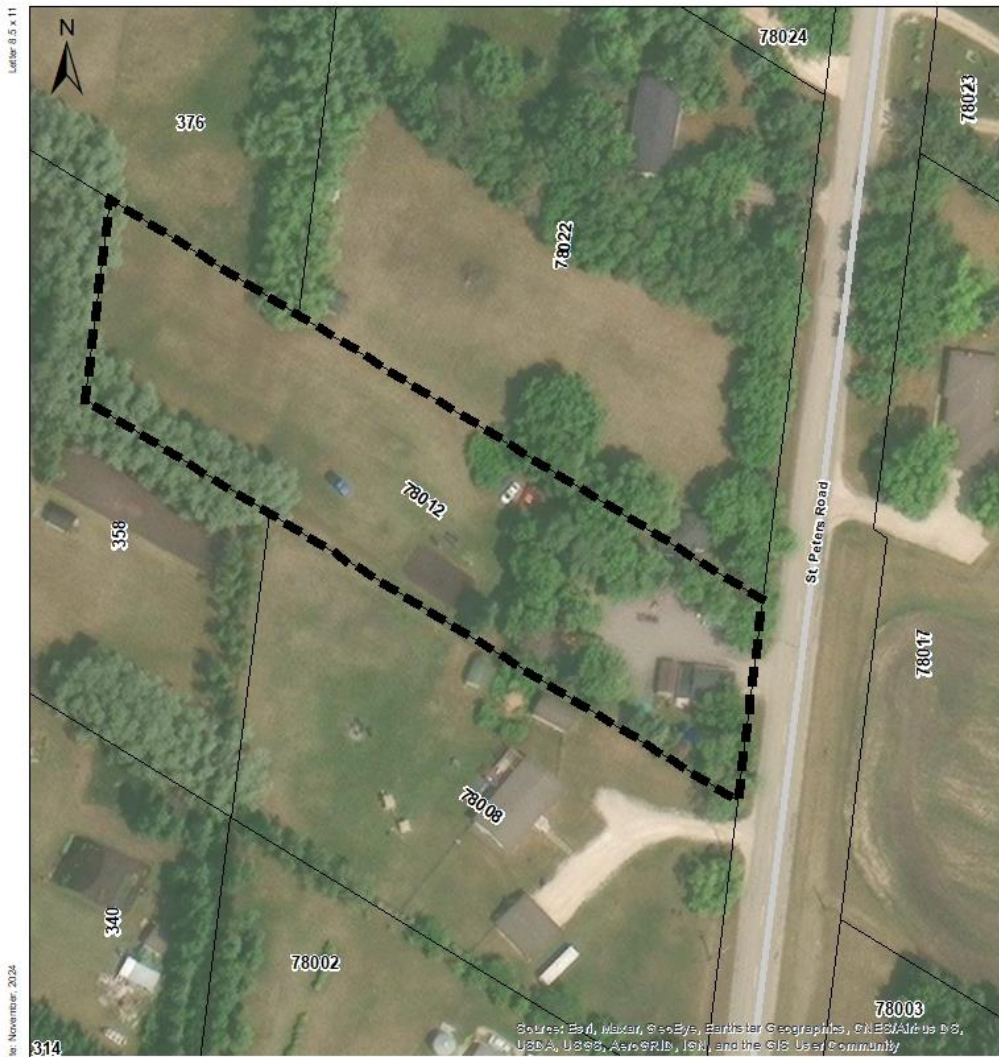
- (a) reject the requested variance; or
- (b) varying the application of specific provisions of the zoning by-law with regard to the affected property in the manner specified in the order if the variance
 - (i) will be compatible with the general nature of the surrounding area,
 - (ii) will not be detrimental 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 effect 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.

RECOMMENDED CONDITIONS OF APPROVAL

Should Council approve the requested zoning variances, the following conditions are recommended:

1. This variance is limited to what has been presented in this application. Any further changes, replacement or additions would require a new variance approval.
2. Applicant / owner obtains all required permits from the Red River Planning District and the municipality, if required.

RRPD LOCATION MAP



SUPPORTIVE MAPPING

Variance Order VO 133, 2024
 78012 St. Peters Rd., RM of St. Clements
 Designation: "SC" Settlement Centre
 Zoning: "RA" Suburban Residential

-  Subject Property
-  Highway Control Zones
-  Roads
-  Parcel Outline



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

ADDITIONAL INFORMATION

(from applicant, municipality, government departments, etc.)

Letter of Intent

November 23, 2024

Hi, I am David Kasian and I reside at [REDACTED] and I am applying for variances for accessory buildings on my property. I have lived at this resident for 7 years and have had a great deal of pride in my property. When I bought the property, it had a caveat on the title and that the majority of the house and septic field is on the neighboring property. It is a small little house with an existing garage, which was suited for me and a property I could afford.

I am here today to apply for a variance, I was not unaware that there are rules regarding accessory buildings the number of accessory structures, maximum of 2. I had contacted the Planning Board on many occasions to discuss the placement of accessory buildings but they only shared part of the information or perhaps I did not ask the write questions. I am here today to ask Council to approve my variances for my property located at 78012 St. Peters Road. It is my understanding that you are not allowed to have more than two accessory buildings, the garage existed before I bought the property and since that time I added two other accessory buildings. One was brought on to the property to store some of my mother's possessions when she had to leave her trailer at the mobile home park on #59 highway for a nursing home and the second was to house a hot tub that I purchased for my illness. I am currently on disability and the hot tub was purchased to help with my ailment. The idea was to have the hot tub close to the house as my disability confines me to walk long distances and hence the location of my hot tub room building.

The setback on my home when I bought it was 44' and was allowed to be there, I built the hot tub structure based on the location of the house. I called the Planning Board and they said that it only had to be 3' from the house when now I find out that was the measurement between accessory buildings and not my home. Also the Planning Board did not mention any setbacks to the property lines and so I place my building in the current location as it is a 10' X 12' and does not require permit.

I never meant to do harm against the regulations, but I would appreciate if Council would approve my accessory structures. I had spoken with my neighbors prior to the construction and no one had concerns about the buildings.

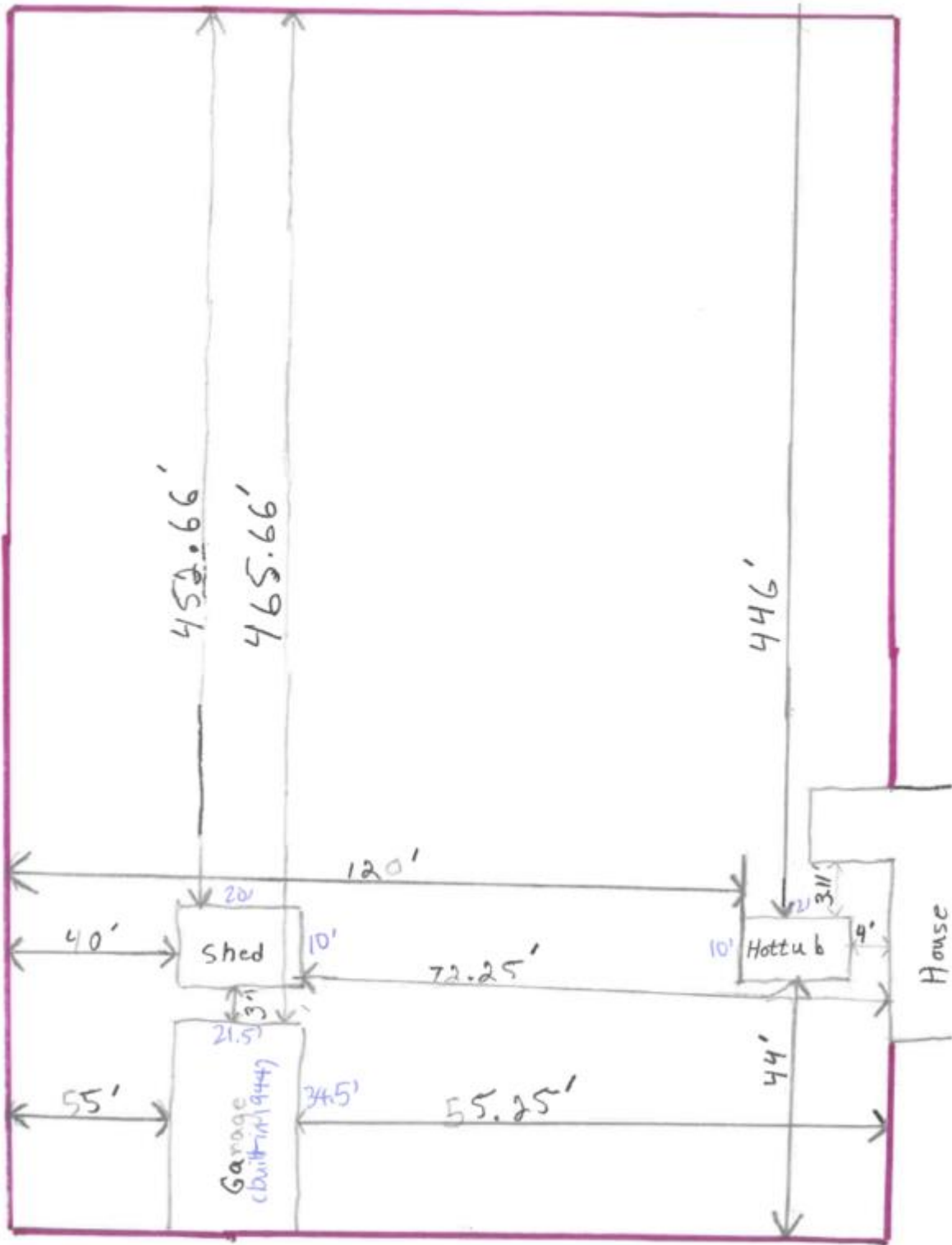
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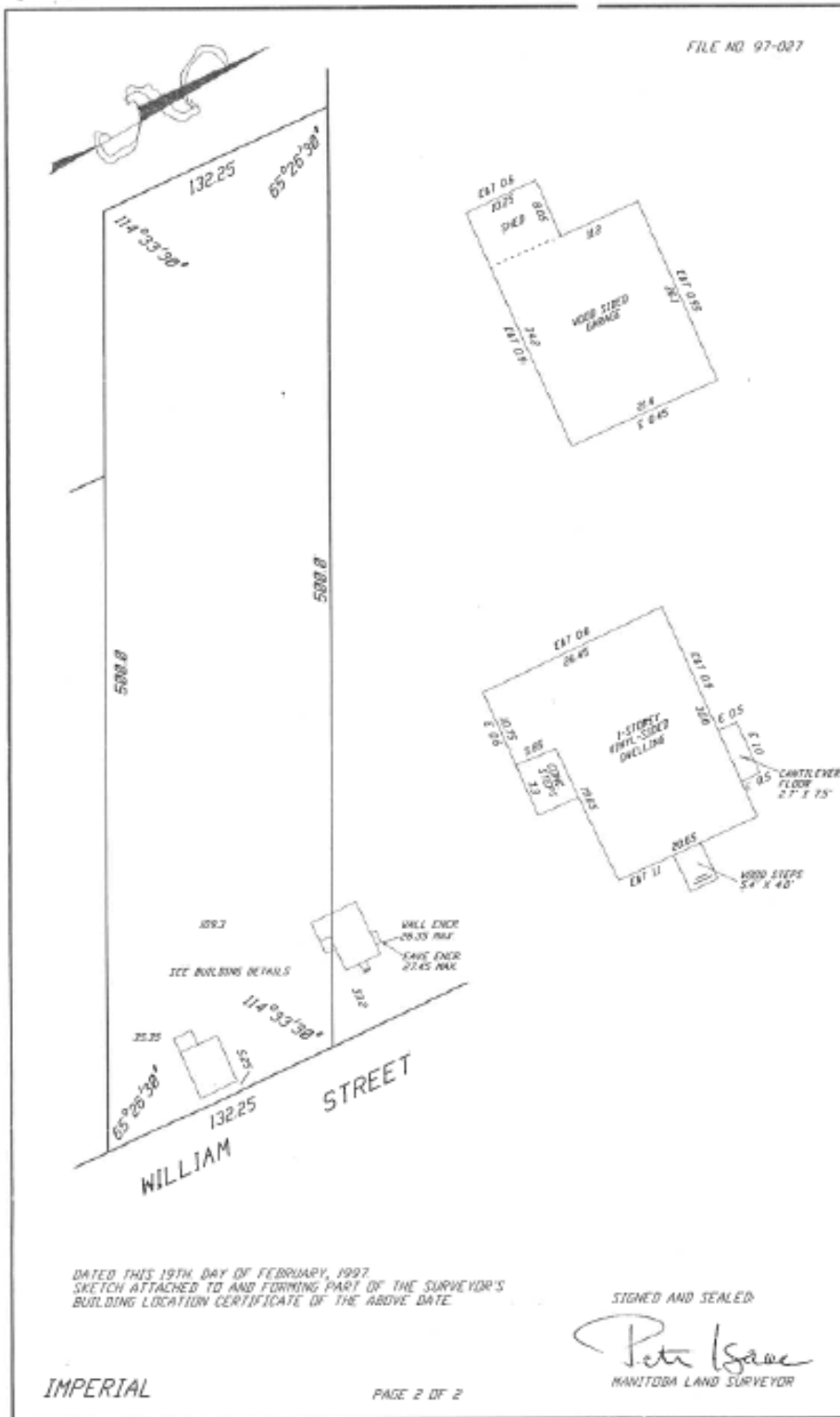
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David Kasian







DATED THIS 19TH DAY OF FEBRUARY, 1997
 SKETCH ATTACHED TO AND FORMING PART OF THE SURVEYOR'S
 BUILDING LOCATION CERTIFICATE OF THE ABOVE DATE.

SIGNED AND SEALED:

Peter Isave
 MANITOBA LAND SURVEYOR