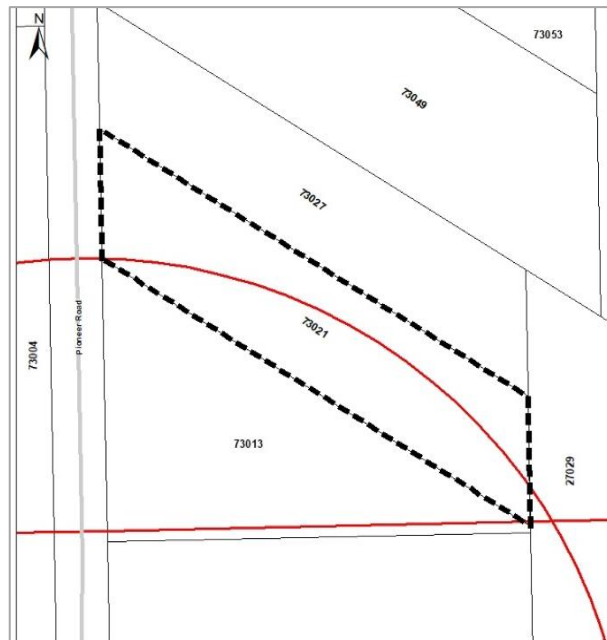


R.M. of St. Clements
ZONING BY-LAW 5-2002
VARIATION ORDER FILE NO. 50, 2024
PUBLIC HEARING

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

What is VO 50, 2024 about?

This variance application increases the number of accessory structures from 2 to 3 and increases the combined area for accessory structures from the required 1280 sq.ft (max) to proposed 2018 sq.ft (max) in the "AR" Agricultural Restricted Zone.



73021 Pioneer Road (Roll # 313505)

We are
Listening.

**Public
Hearing**
Tuesday,
July 23rd, 2024
6:00 PM
Council Chambers
1043 Kittson Rd.
East Selkirk, MB

Phone:

(204) 669-8880

1-800-876-5831

Fax:

(204) 669-8882

E-Mail:

info@rrpd.ca

Website:

redriverplanning.com



Seating at the public hearing will be limited to accommodate social distancing. We ask that you contact the municipal office at 204-482-3300 or info@rmofstclements.com to register your attendance so that we can insure adequate physical distancing seating. Alternatively, you can contact the RM of St. Clements to receive an invitation to public hearing remotely through Zoom, submit questions or concerns in writing or visit the municipality's website for the link to live streaming with interactive chat.

For more information please contact the Red River Planning District.

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

Mon-Fri*
8:30am-4:15pm

*excludes all statutory holidays

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



2978 Birds Hill Rd.
East St. Paul, MB R2E 1J5
Toll Free: 800-876-5831
Phone: 204-669-8880
Fax: 204-669-8882

Date: June 17, 2024
File: VO 50, 2024
To: Council, R.M. of St. Clements
Prepared by: Jennifer Asaim, Student Planner, Red River Planning District
From: Santan Singh, RPP, MCIP
Location: Lot 1, Plan 60456
73021 Pioneer Road (Roll No. 313505)

Property Zoning:
“AR” Agricultural Restricted Zone,
R.M. of St. Clements Zoning By-Law 5-2002

Variance Request	Zoning By-Law Requirement	Proposed by Applicant
Number of accessory structures	2 (max)	3 (max)
Combined area (accessory structures)	1,280 ft ² (max)	2,018 ft ² (max)

Purpose:
To increase the maximum allowable accessory structures and increase the combined area for accessory structure on the subject property. A site plan and a letter of intent has been submitted by the applicant/owner, which is attached to this report.

Background:
The subject property is approximately 4.35 acres (189,618ft²) in size and is located on Pioneer Road north of PTH 44. The subject property is currently occupied with a house and two detached accessory structures, a 26.4’ x 22.5’ barn and a 12’ x 12’ shed.

The subject property is surrounded by:

- North:** Properties zoned “AR” Agricultural Restricted.
- South:** Properties zoned “AR” Agricultural Restricted and near PTH 44.
- West:** Pioneer Road, followed by properties zoned “A40” Agricultural Limited.
- East:** Properties zoned “AR” Agricultural Restricted.

Analysis:
The subject property is zoned “AR” *Agricultural Restricted* in the Zoning By-Law and “AR” *Agriculture Restricted* in the Development Plan.

- As per Section 3.2.4 of the St. Clements Zoning By-Law, the number of accessory buildings will be limited to a maximum of two (2) per certificate of title in all Agricultural Restricted zones. The applicant has two (2) accessory structures on their property that the applicant intends to keep. In addition, the applicant is proposing constructing an additional structure (garage). Furthermore, per Section 5.4, Table 11 of the St. Clements Zoning By-Laws, the maximum combined area for all accessory buildings on site is 1280 sq.ft: however, the proposed garage and the existing structures will increase the combined accessory area to 2018 sq.ft: hence the need for a Variance.
- Given the size of the subject property at +/- 4.30 acres, Council should consider whether the existing accessory structures are compatible with the general nature of the area.
- The existing 594-square-foot barn does not meet the side yard setback requirement of 15 feet in this zone, as per the current zoning by-law. According to the site plan provided by the applicant, the barn is located 3.55 feet from the side property line. Manitoba assessment records indicate that this barn was built around 1987. Therefore, it is considered a non-conforming accessory building and may continue to exist in its current state unless any alterations or relocations are required in the future.
- This application was circulated to the R.M. of St. Clements, and they have no concerns with the proposed Variance.
- This application was circulated to Highways Department and the provincial department has no concerns.
- The RRPD notes that while the applicant has provided a clear and legible site plan reflecting the positions of existing and proposed buildings, no building plans for the structure have been presented at the time of this variance application. There may be additional concerns, including but not limited to projections and height, that will need to be addressed at the time of the permit application.

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

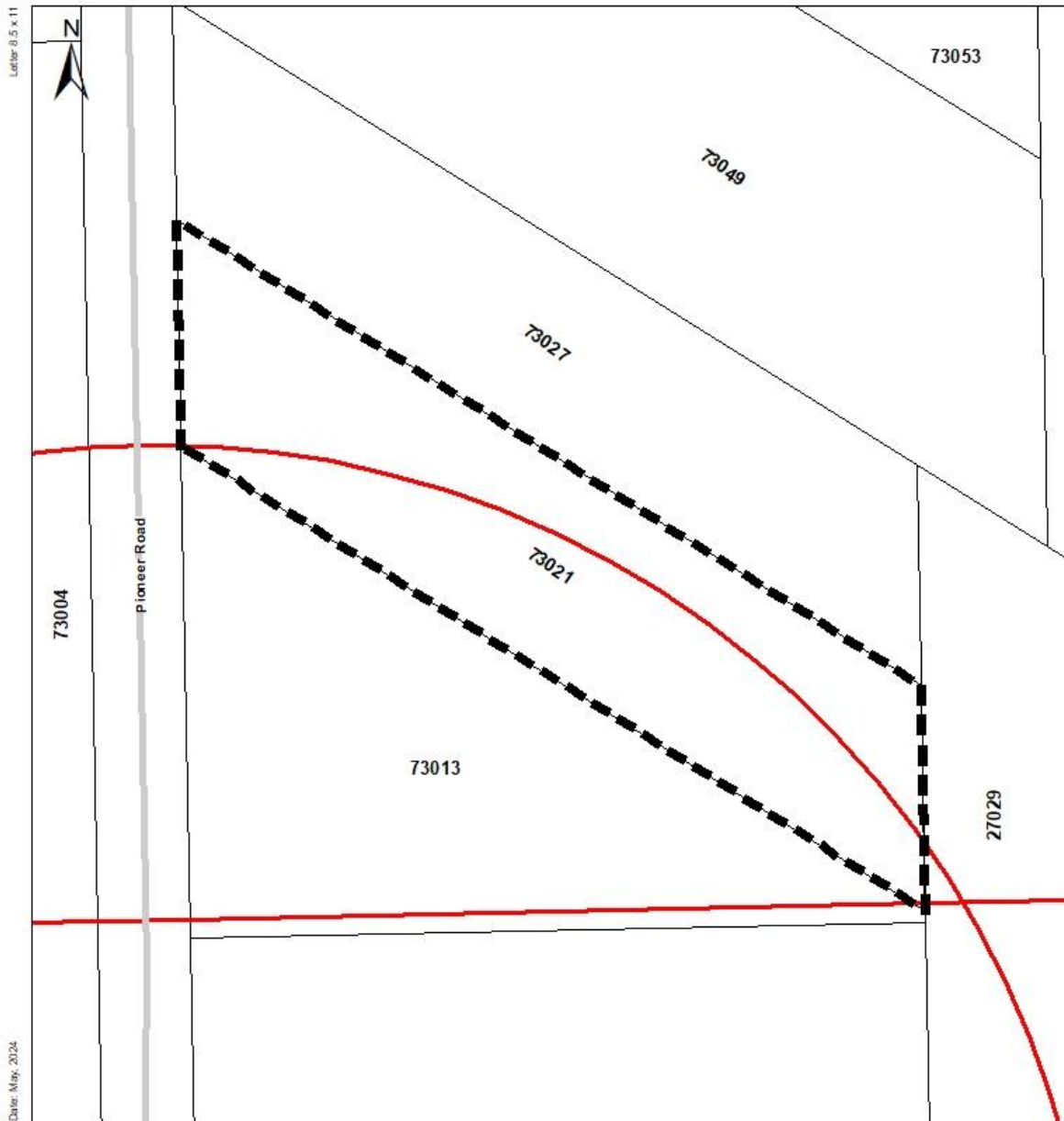
(b) require the owner of the affected property to enter into a development agreement under section 150.

Recommendation:

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

1. That the variances be limited to what is being proposed in this application. Any further changes will require a new variance approval.
2. That the applicant obtains permits from RRPD and the RM of St. Clements, if required.

LOCATION MAP
Illustrating Subject Property



Letter: 8.5 x 11

Date: May, 2024

SUPPORTIVE MAPPING

Variance Order VO50-2024
 73021 Pioneer Rd, RM of St. Clements
 Designation: "AR" Agriculture Restricted
 Zoning: "AR" Agricultural Restricted

 Subject Property
 Highway Control Zones
 Roads
 Parcel Outline

 **RED RIVER**
 PLANNING DISTRICT

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

Letter: 8.5 x 11



Date: May, 2024

Source: Esri, Maxar, Earthstar Geographics, and the US Coast Community

SUPPORTIVE MAPPING

Variance Order VO50-2024
 73021 Pioneer Rd, RM of St. Clements
 Designation: "AR" Agriculture Restricted
 Zoning: "AR" Agricultural Restricted

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



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

APPLICANT PROVIDED INFORMATION
(Letter of intent, Site Plan, Other information)

Letter of Intent

To whom it may concern,

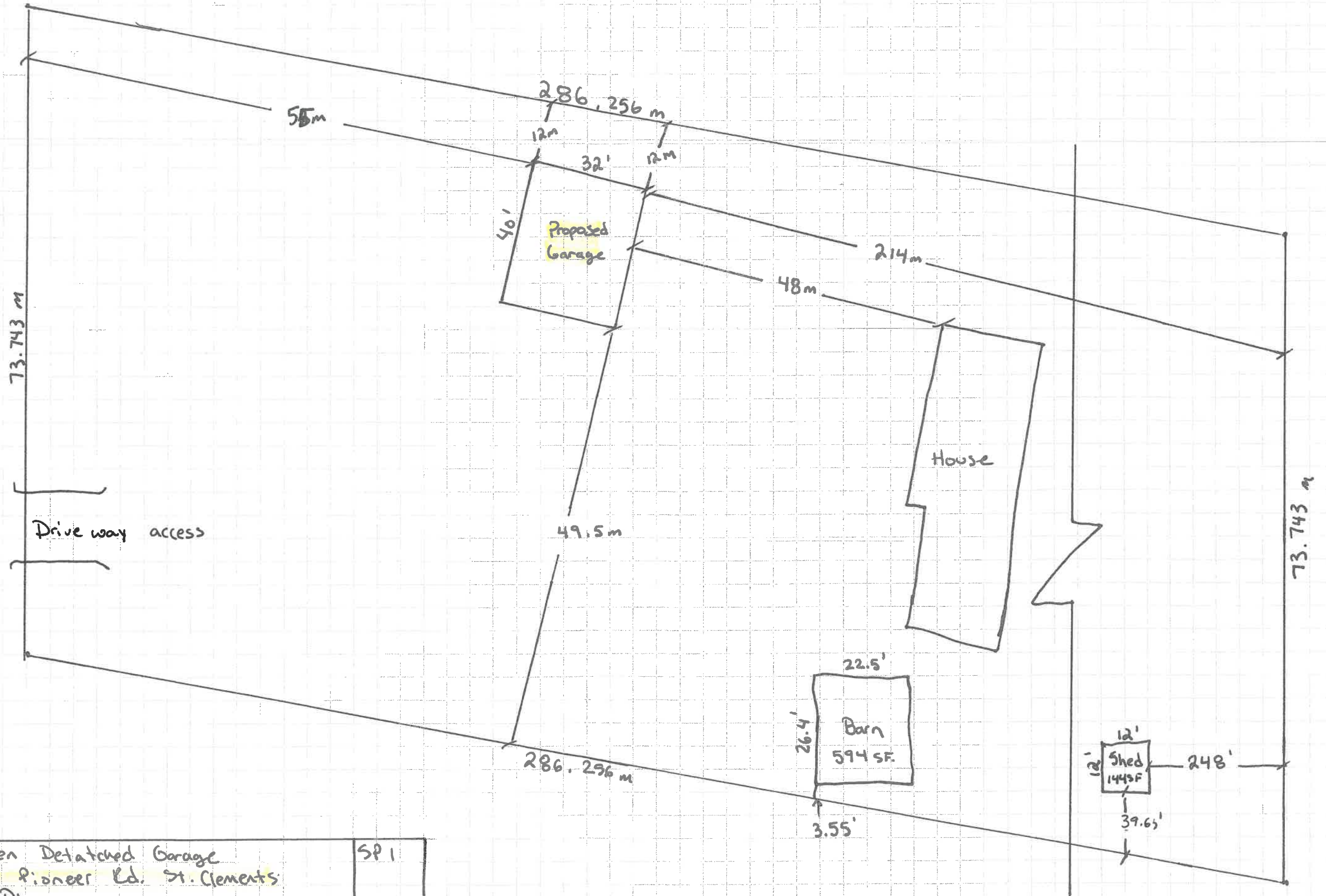
I, Hendrik Brienen along with Danica Feeleus, as registered owners of our primary personal property would like to construct a detached garage on the property. We are looking to apply for a variance to start this project as we are at the limits of the zoning regulations. When we purchased this property, it came with a barn structure and shed out building totaling 738 sf, and we would like to keep these intact. We are at our limit of 2 structures and will exceed our limit of 1280sf with the addition of the garage. The Proposed garage is to be 40'x32'. Ironically also 1280sf.

We would kindly like a variance to construct this out building.

Thank you.

Pioneer Road

N ↑



Brienen Detached Garage 73021 Pioneer Rd. St. Clements Site Plan	SP 1
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OTHER INFO

(Government Comments, other relevant information)

Santan Singh

From: DiNella, Jeff <Jeff.DiNella@gov.mb.ca>
Sent: June 4, 2024 3:26 PM
To: Jennifer Asaim
Subject: RE: APPLICATIONS REVIEW AND COMMENTS.

Hi Jennifer,

We have reviewed VO 50, 2024 and have no concerns.

Thank You

Jeff DiNella

*Senior Development Review Technologist
Manitoba Transportation and Infrastructure
Highway Design*

Cell: (204) 430-7176

1420-215 Garry Street
Winnipeg, MB R3C 3P3



From: +WPG969 - Roadside Development <RoadsideDevelopment@gov.mb.ca>
Sent: Monday, May 13, 2024 2:47 PM
To: DiNella, Jeff <Jeff.DiNella@gov.mb.ca>
Subject: FW: APPLICATIONS REVIEW AND COMMENTS.

Jeff DiNella

*Senior Development Review Technologist
Manitoba Transportation and Infrastructure
Highway Design*

Cell: (204) 430-7176

1420-215 Garry Street
Winnipeg, MB R3C 3P3



From: Jennifer Asaim <jasaim@rrpd.ca>
Sent: Wednesday, May 8, 2024 10:02 AM
To: +WPG969 - Roadside Development <RoadsideDevelopment@gov.mb.ca>
Cc: Calvin So <calvin@rrpd.ca>; Luanne Martin <luanne@rrpd.ca>; Derek Eno <deno@rrpd.ca>
Subject: APPLICATIONS REVIEW AND COMMENTS.

You don't often get email from jasaim@rrpd.ca. [Learn why this is important](#)

Hello,

Please find attached variance applications and a conditional use application in St Clements for your review and comments.

Best regards,



Jennifer Asaim
Student Planner
Red River Planning District

2978 Birds Hill Rd. East St. Paul, MB R2E 1J5

Tel: 204-669-8880 Fax: 204-669-8882

www.redriverplanning.com

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

Santan Singh

From: Kayla Kozoway <kayla@rmofstclements.com>
Sent: May 27, 2024 3:10 PM
To: Jennifer Asaim
Cc: Santan Singh; Calvin So; Luanne Martin
Subject: VO 50-2024 - RM Comments

Good Afternoon

Please be advised the R.M. of St. Clements has no concerns with proposed Variation Order 50-2024.

Thank you,

Kayla Kozoway

Planning Clerk
Rural Municipality of St. Clements

Ph: 204-482-3300

Fax: 204-482-3098

E: kayla@rmofstclements.com

