

R.M. of St. Clements
ZONING BY-LAW 5-2002
VARIATION ORDER FILE NO. 66, 2024
PUBLIC HEARING

We are
Listening.

**Public
Hearing**
Tuesday,
October 22nd, 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

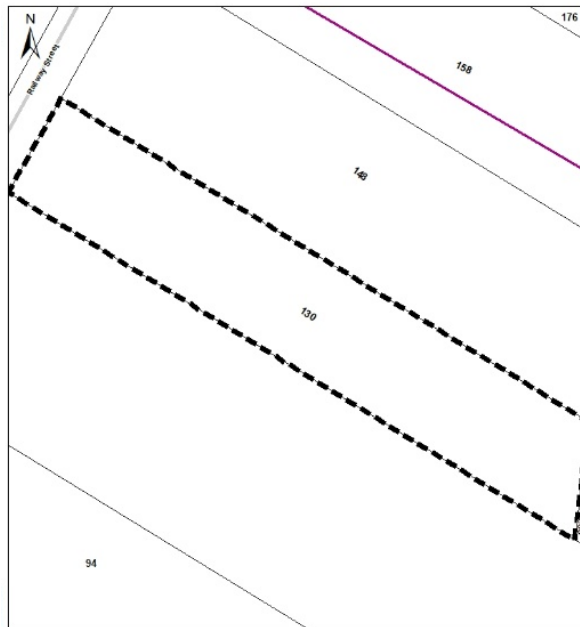
Website:
redriverplanning.com



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

What is VO 66, 2024 about?

This variance application is to increase the maximum fence height for the side and rear yards and increase the combined unit area for accessory structures in the “RA” Suburban Residential zone.



130 Railway Street (Roll No. 420500)

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, Manitoba R2E 1J5
Toll Free: 1-800-876-5831
Phone: 204-669-8880
Fax: 204-669-8882

VARIANCE APPLICATION

Date: August 07, 2024
File: VO 66, 2024
To: Council, R.M of St. Clements
Prepared by: Jennifer Asaim, Student Planner
From: Calvin So, MCP, Community Planning Assistant
Location: 130 Railway Street
Roll No. 420500
Lot 28, Plan No. 2461

Property Zoning:
“RA” Suburban Residential Zone
R.M. of St. Clements Zoning By-Law

Variance Request	Zoning By-law Requirement	Proposed by Applicant
Side and Rear yard (Fence Height)	6.5 ft. (max.)	10 ft.
Combined unit area (Accessory buildings)	1,200 sq. ft (max)	3,180 sq. ft

Purpose:

The owner proposes to increase the height of the side and rear yard fences, and the combined floor area of accessory buildings, in order to allow for an existing fence to remain and a storage building to be constructed on the subject property. A site plan and letter of intent has been submitted by the applicant/owner, which is attached to this report.

Background:

The subject property is approximately 3.14 acres in site area and approximately 152 ft in site width. It is located on Railway Street near Harold Road, parallel to St. Peters Road (PR 508) in East Selkirk. The property is currently developed with a single family dwelling, an attached garage, and a detached garage.

The subject property is predominantly surrounded by single-family dwelling properties zoned “RA” Suburban Residential.

RRPD's records of previous applications on this subject property include building and plumbing permits (File No. 154/89, 392/89, and 409/91) for a residential RTM (ready-to-move home) and an attached garage, and notices of violation as follows:

- October 20, 2023: Request for Compliance (Storage yard)
- November 22, 2023: Notice of Violation (Use without a permit)
- May 14, 2024: Notice of Violation (Use without permit – still in violation)

Analysis:

RRPD notes that this Variance application was initiated due to a Notice of Violation. Council should therefore determine whether the proposal aligns with the general character of the area and the existing uses on the site.

The subject property is designated as "SC" Settlement Centre in the RRPD Development Plan.

According to the St. Clements Zoning By-Law, the maximum height for side and rear yard fences is 6.5 ft, while the applicant proposes a height of **10 ft**. Additionally, the maximum combined floor area for all accessory buildings is 1,200 sq ft, excluding certain structures (swimming pools, decks, playhouses, swings, gazebos and picnic shelters). The proposed storage building, along with the existing detached garage, would total **3,180 sq ft**. Therefore, two Variances are required for the storage building.

Manitoba Assessment records indicate that the existing 780 sq ft detached garage was built around 1995. According to the site plan, the existing garage is **8 ft** from the side yard property line. The 1989 St. Clements Zoning By-Law state that the side yard minimum setback in the "RA" zone was 15 ft, therefore RRPD cannot state that the existing garage is legal non-conforming, as it failed to meet the side yard setback requirement for accessory buildings in the "RA" Suburban Residential Zone as stipulated in the previous zoning by-law. The owner should confirm that the side yard setback for this garage is 8 ft, and if so either a Variance would be required to maintain the garage at its current location, or it would need to be moved to meet the current 10 ft side yard setback requirement.

RRPD notes that the applicant has submitted a clear site plan showing the locations of existing and proposed buildings; however, no building plans for the structure were provided with the variance application. Additional concerns, such as height, will need to be addressed during the permit application process.

This application has been circulated to the R.M of St. Clements, Manitoba Highways, and MIT Water Review. These government agencies have no concerns with this 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(s):

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

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.

RRPD LOCATION MAP



SUPPORTIVE MAPPING

Variance Order VO66-2024
130 Railway Street, RM of St. Clements

Designation: "SC" Settlement Centre
Zoning: "RA" Suburban Residential

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

 Subject Property

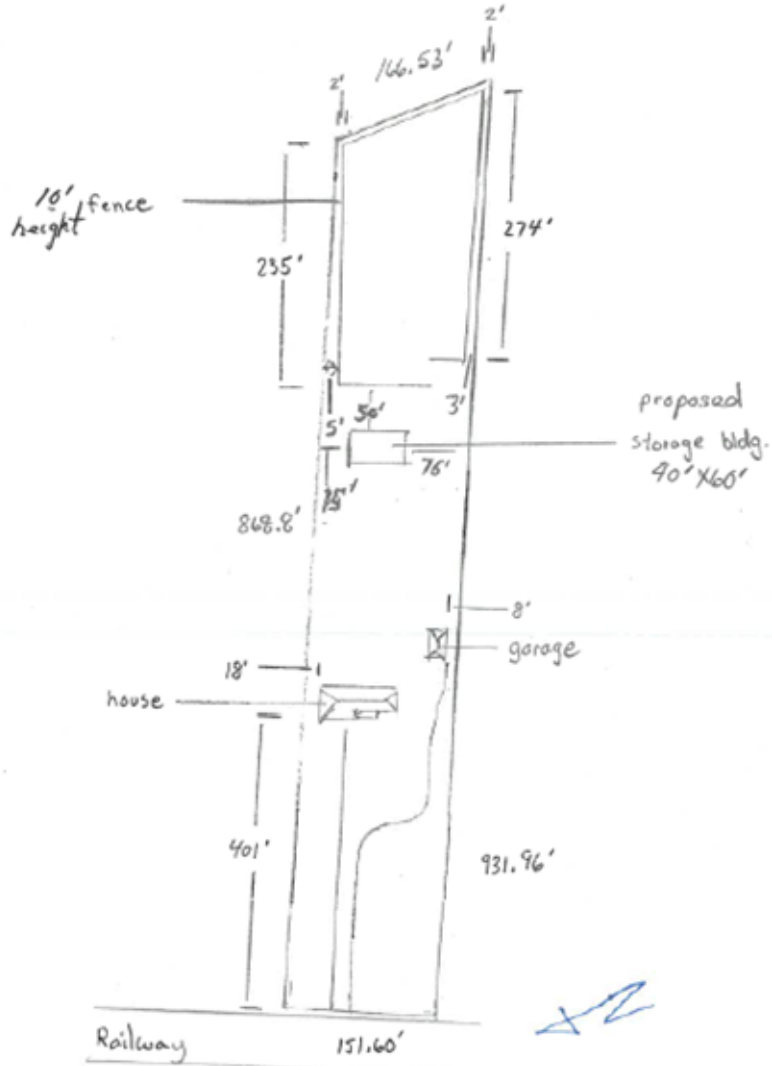
 Roads

 Parcel Outline



APPLICANT PROVIDED INFORMATION

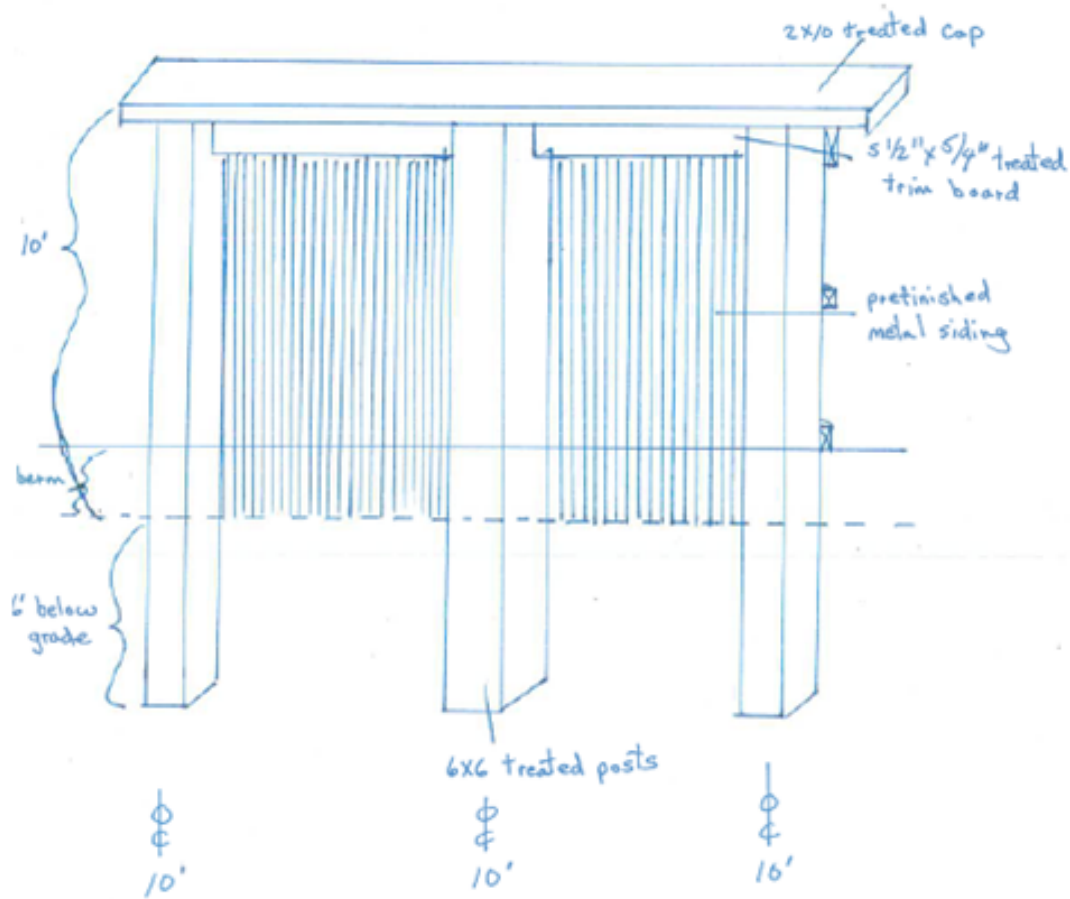
Al-Hnatiuk
130 Railway



130 Railway

130 Railway

- construction of existing back yard fence
- 2x10 treated top cap
- 6x6 treated posts 10' o/c 6 feet below grade
- 2x6 + 2x4 treated horizontal strapping
- prefinished metal siding between posts
- treated 5/4" x 5/4" trim board



Letter of intent

May 27/24

I am requesting a conditional use for the storage of my personal material and vehicles.
I am also applying for 2 variances 1 for the existing fence height of 10'

- new lumber and steel 2nd for a 2400 sq.ft. storage building
- landscaping timbers + unistone
- camper, boat and trailers
- 25 vehicles and parts
- snow blower, lawnmowers

lumber and steel are for my cottage
landscaping timbers and unistone are for landscaping my yard with trees and shrubs
vehicles are 1950 ford trucks, some of which I have owned for over 20 years

It is my hobby to restore old Ford trucks

The fence keeps everything neat, organized and out of sight.

It is my intention to reduce the amount of items I currently have over time.

If more is required, I would be willing to put up a storage building to store these items inside.

I will be retiring this year and plan on passing on my mechanical and restoring skills to my children and grandchildren.

Alan Hnatjuk



OTHER INFO (Government Comments, etc.)

Archived: June 19, 2024 10:46:25 AM
From: [Kayla Kozoway](#)
Sent: Tue, 18 Jun 2024 21:23:44
To: [Jennifer Asaim Calvin So Luanne Martin](#)
Subject: VO 66-2024 - RM Comments
Importance: Normal
Sensitivity: None

Good Afternoon

Please be advised that the RM has no concerns with the proposed variance.

Thank you,

Kayla Kozoway
Planning Clerk
Rural Municipality of St. Clements

Ph: 204-482-3300
Fax: 204-482-3098
E: kayla@rmofstclements.com



Archived: June 28, 2024 9:12:00 AM
From: [DiNella, Jeff](#)
Sent: Mon, 24 Jun 2024 19:50:14
To: [Jennifer Asaim](#)
Subject: RE: Application Comments and Feedback : VO 64, 2024
Importance: Normal
Sensitivity: None

Hi Jennifer

We have reviewed VO 64, 2024 for a oversized garage and have no concerns. Please be advised that permits from Manitoba Transportation and Infrastructure will be required if the garage is located within or partially within the controlled area of PR 204 (Henderson Hwy)

Please note the following statutory requirements affecting PR 204.

Statutory Requirements:

Under the Transportation Infrastructure Act, a permit is required from Manitoba Transportation and Infrastructure to construct, modify, relocate, remove or intensify the use of an access. A permit is also required from Manitoba Infrastructure to construct, modify or relocate a structure or sign, or to change or intensify the use of an existing structure (including the alteration of existing buildings) within **38.1m** (125ft) controlled area from the edge of the highway right-of-way.

In addition, a permit is required from the Manitoba Transportation and Infrastructure for any planting placed within **15 m** (50 ft) from the edge of the highway right-of-way.

Please call or e-mail if you have any questions regarding our comments.

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



Archived: August 7, 2024 1:15:29 PM
From: [+WPG1166 - MIT Water Review](#)
Sent: Fri, 12 Jul 2024 20:18:42
To: [Jennifer Asain](#)
Subject: RE: Application Comments and Feedback : VO 64, 2024 and VO 66, 2024
Importance: Normal
Sensitivity: None

Hello Jennifer,

We have no concerns regarding VO 64, 2024 or VO 66, 2024. A portion of the property for VO 64, 2024 is in the Lower Red River Designated Flood Area, however, it does not appear that any structures are proposed for this area.

Thank you,

Angela Howells
(Pronoms/pronouns: elle/she/her)
Senior Flood Protection Planning Officer
Hydrologic Forecasting & Water Management | Technical Services & Operations
Manitoba Transportation and Infrastructure
Second Floor – 280 Broadway | Winnipeg MB R3C 0R8 | 204-915-7295 | Angela.Howells@gov.mb.ca

See our new Provincial Waterway Online Map at <https://arcg.is/0Cmb4S>

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