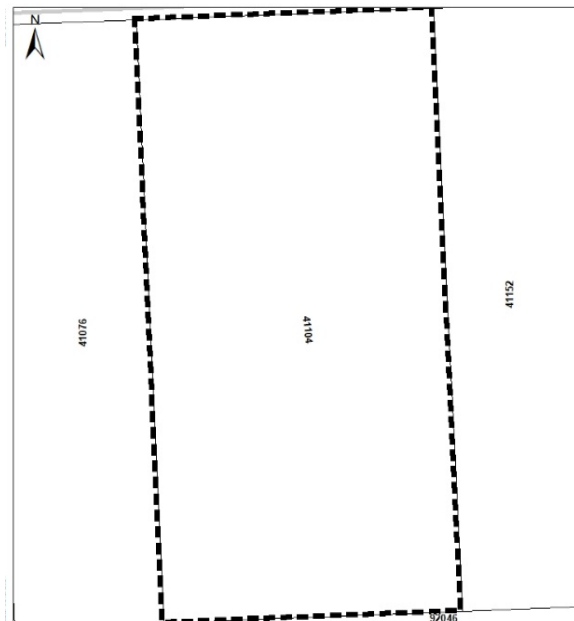


R.M. of St. Clements  
ZONING BY-LAW 5-2002  
VARIATION ORDER FILE NO. 69, 2024  
**PUBLIC HEARING**

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

**What is VO 69, 2024 about?**

This variance application is to reduce the minimum site area for a proposed and residual lot within the "A80" Agricultural General Zone. This variance is part of the conditions within Subdivision Application S24-3061.



**41104 Road 93N (Roll #622250)**

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](mailto: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"*

We are  
Listening.

**Public  
Hearing**  
Tuesday,  
October 22<sup>nd</sup>, 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](mailto:info@rrpd.ca)

Website:

[redriverplanning.com](http://redriverplanning.com)





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:** June 20, 2024  
**File:** VO 69, 2024  
**To:** Council, R.M of St. Clements  
**Prepared by:** Jennifer Asaim, Student Planner  
**From:** Calvin So, MCP, Community Planning Assistant  
**Location:** 41104 Road 93N  
Roll No. 622250  
NE13-16-7E

**Property Zoning:**  
“A80” Agricultural General Zone  
R.M. of St. Clements Zoning By-Law

Variance Request	Zoning By-law Requirement	Proposed by Applicant
Site area	80 acres (min)	Proposed Lot: 10 acres Residual Lot: 69.5 acres

**Purpose:**

The owner proposes to reduce the minimum site area for a proposed lot and residual lot within the “A80” Agricultural General Zone. This Variance is part of the conditions within Subdivision Application S24-3061, which is going to the same Council meeting. A subdivision application map and letter of intent has been submitted by the owner, which is attached to this report.

**Background:**

The subject property is approximately 79.5 acres in site area (based on GIS data) and approximately 1,312.2 ft in site width. It is located on Road 93N near PTH 12. The property is currently developed with single family dwelling, and is surrounded by the following:

To the North: Road 93 North, followed by properties zoned “A80” Agricultural General and “A40” Agricultural Limited.

To the South: Properties zoned “A80” Agricultural General.

To the West: Properties zoned “A40” Agricultural Limited.

To the East: Properties zoned “A80” Agricultural General.

The surroundings of the subject property encompass agricultural lands, farm buildings and single-family dwellings.

RRPD notes that previous applications on the subject property include a building and plumbing permit (File Nos. 10772/10 and 3791/10) for a single family dwelling on a new foundation.

**Analysis:**

This Variance application has an associated subdivision application (S24-3061) going to the same council meeting. The owner is seeking to subdivide the subject property into one lot of 10 acres, leaving a residual lot of 69.5 acres. Both proposed and residual lots do not comply with the acreage requirements of the “A80” Agricultural General zone in the St. Clements Zoning By-Law, hence a Variance is required to bring the lots into compliance.

The subject property is designated as Resource and Agriculture in the RRPD Development Plan. Policies in the Development plan relevant to this Variance includes:

4.1.14 Land divisions which create small parcels for non-agricultural or resource related uses shall not be permitted except as provided herein, and subject to a maximum of only one (1) subdivision per 80 acre title:

4.1.14.1 Parcels with a habitable residence that have been acquired through farm enlargement or consolidation or if a retiring farmer wishes to retire on his or her farm, a farmstead may be subdivided taking into consideration the configuration of the existing yard when the residence is not required for the agricultural enterprise, the bounds of the parcel do not exceed an established shelterbelt or yard and are not wasteful of agricultural lands.

Given that the applicant is seeking to separate the house from the remaining farmland, the proposal is compatible with the intent of the Development Plan, and there appears to be no negative impact on surrounding properties.

This Variance application has been circulated to the R.M. of St. Clements. The R.M. has no concerns with the proposed Variance.

**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 VO69-2024  
41104 Road 93N, RM of St. Clements

Designation: "RA" Resource and Agriculture  
Zoning: "A80" Agricultural General

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

-  Subject Property
-  Roads
-  Parcel Outline



**APPLICANT PROVIDED INFORMATION**  
**(Drawing, Letter of Intent, etc.)**

June 6, 2024

Letter of Intent

To whom it may concern,

I would like to sub divide 10 acres of where the house is located from the 80 acre parcel from NE 1/4 Section 13-16-7E. The purpose of this sub division is to separate the house from the farmland for resale. Not all purchasers of residential dwellings need farmland attached to the property especially in rural areas. This would help keep the purchase price of the house lower making it a great option for a first time home buyer. With the farmland sub divided from the house this makes it more appealing for resale to farmers in the area that do not need a house. This house has an existing ejector sewage disposal system. Under the rules for ejector systems I would need to have the 10 acres in order to use this type of system.

If you have any questions or concerns, please contact me at 1-204-[REDACTED] or email to [REDACTED].

[REDACTED]

Glen Gusta



**OTHER INFO**  
**(Government Comments, etc.)**

Good Morning

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](mailto:kayla@rmofstclements.com)

