

R. M. of East St. Paul  
ZONING BY-LAW 2009-04  
VARIATION ORDER FILE NO. 72, 2024  
**PUBLIC HEARING**

We are  
Listening.

**Public Hearing**  
**Tuesday,**  
**October 22<sup>nd</sup>, 2024**  
**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](mailto:info@rrpd.ca)

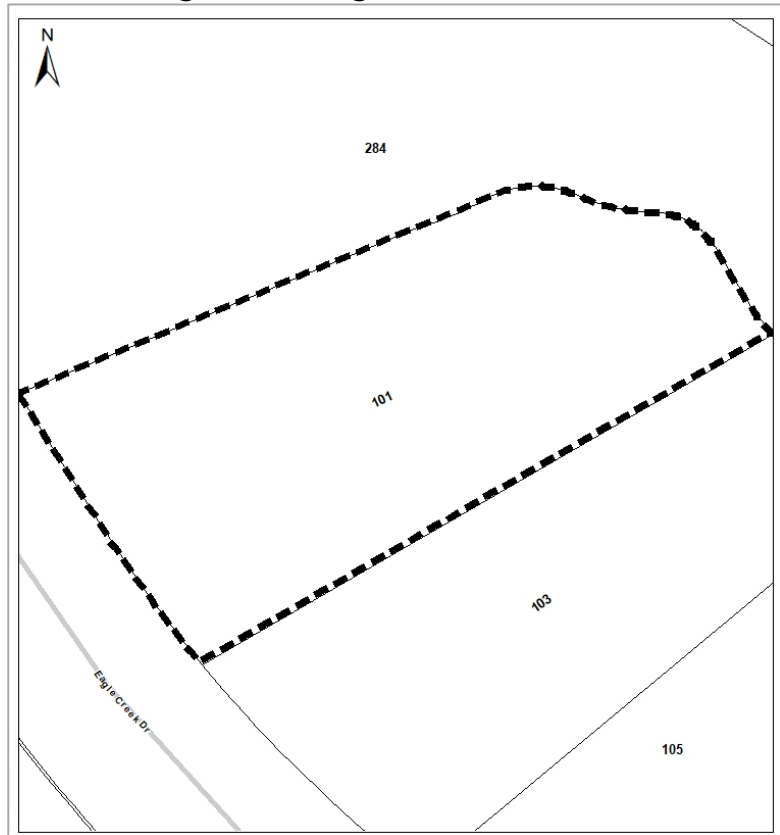
**Website:**  
[redriverplanning.com](http://redriverplanning.com)



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

**What is VO 72, 2024 about?**

This variance application reduces the side yard setback for an accessory structure in the “R1-17” Single Housing Dwelling Zone.



**101 Eagle Creek Drive (Roll 5303)**

**For those that wish to attend virtually please contact the RM of East St. Paul office at (204) 668-8112 by 4:00 pm on October 22<sup>nd</sup>, 2024.**

**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”*

## VARIANCE APPLICATION

**Date:** June 20, 2024  
**File:** VO 72, 2024  
**To:** Council, R.M. of East St. Paul  
**Prepared by:** Jennifer Asaim, Student Planner  
**From:** Calvin So, MCP, Community Planning Assistant  
**Location:** 101 Eagle Creek Drive  
 Roll No. 5303  
 Lot 1, Block 2, Plan 34864

**Property Zoning:**  
 “R1-17” Single Housing Dwelling Zone  
 R.M. of East St. Paul Zoning By-Law

| Variance Request               | Zoning By-law Requirement | Proposed by Applicant |
|--------------------------------|---------------------------|-----------------------|
| Side yard (Accessory building) | 10 ft (min)               | 4 ft                  |

**Purpose:**

The owner proposes to reduce the side yard requirement to allow for an accessory structure (garage) to be constructed on the subject property. A site plan and letter of intent has been submitted by the owner, which is attached to this report.

**Background:**

The subject property is approximately 0.60 acres in site area and 124 ft in site width, and is located on Eagle Creek Drive east of Henderson Highway (PR 204) in East St. Paul. It is currently developed with a single family bungalow and an attached garage.

The subject property is surrounded by the following:

To the North: Properties zoned “PR” Parks and Recreation.

To the South: Properties zoned “R1-17” Single Housing Dwelling.

To the West: Eagle Creek Drive, followed by properties zoned “R1-17” Single Housing Dwelling.

To the East: Properties zoned “PR” Parks and Recreation and “R1-17” Single Housing Dwelling.

The subject property is predominantly surrounded by single-family bungalows.

RRPD notes that previous applications in relation to the subject property include a building, development, and plumbing permit (File nos. 97-039 and 97-39P) for a bungalow and attached garage, a building permit (File no. 11-069) for renovations, and a Zoning Memorandum.

**Analysis:**

The owner is proposing a 792 sq ft detached garage on the property. The site plan shows a proposed side yard setback of 4 ft from the property line. The owner wishes to have the garage placed at this spot so it can be close to the angle of the garage that’s attached to the house.

The subject property is zoned “R1-17” Single Housing Dwelling in the East St. Paul Zoning By-Law and designated “SC” Settlement Centre in the RRPD Development Plan. Given the proposed location of the garage bordering a municipal park with thick vegetation, there appears to be no negative impact on surrounding properties.

RRPD has confirmed with the property owner that the proposed detached garage would be in line with the closest building wall to the front site line of the principal building, therefore satisfying section 52.1(8)(c) of the zoning by-law.

Given that the applicant is proposing a 4 ft side yard setback as against the required 10 ft (min) setback, Council should determine if the proposal is compatible with the existing neighborhood character.

The application has been circulated to the R.M. of East St. Paul. The Operations Manager and Fire Department have no concerns, while the Chief Administrative Officer and Planning Department have a condition outlined in the recommendations section below.

**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.
3. Construction of the detached garage shall not result in any damage to or removal of municipal trees.

# RRPD LOCATION MAP



## SUPPORTIVE MAPPING

Variance Order VO72-2024  
101 Eagle Creek Drive, RM of East St. Paul

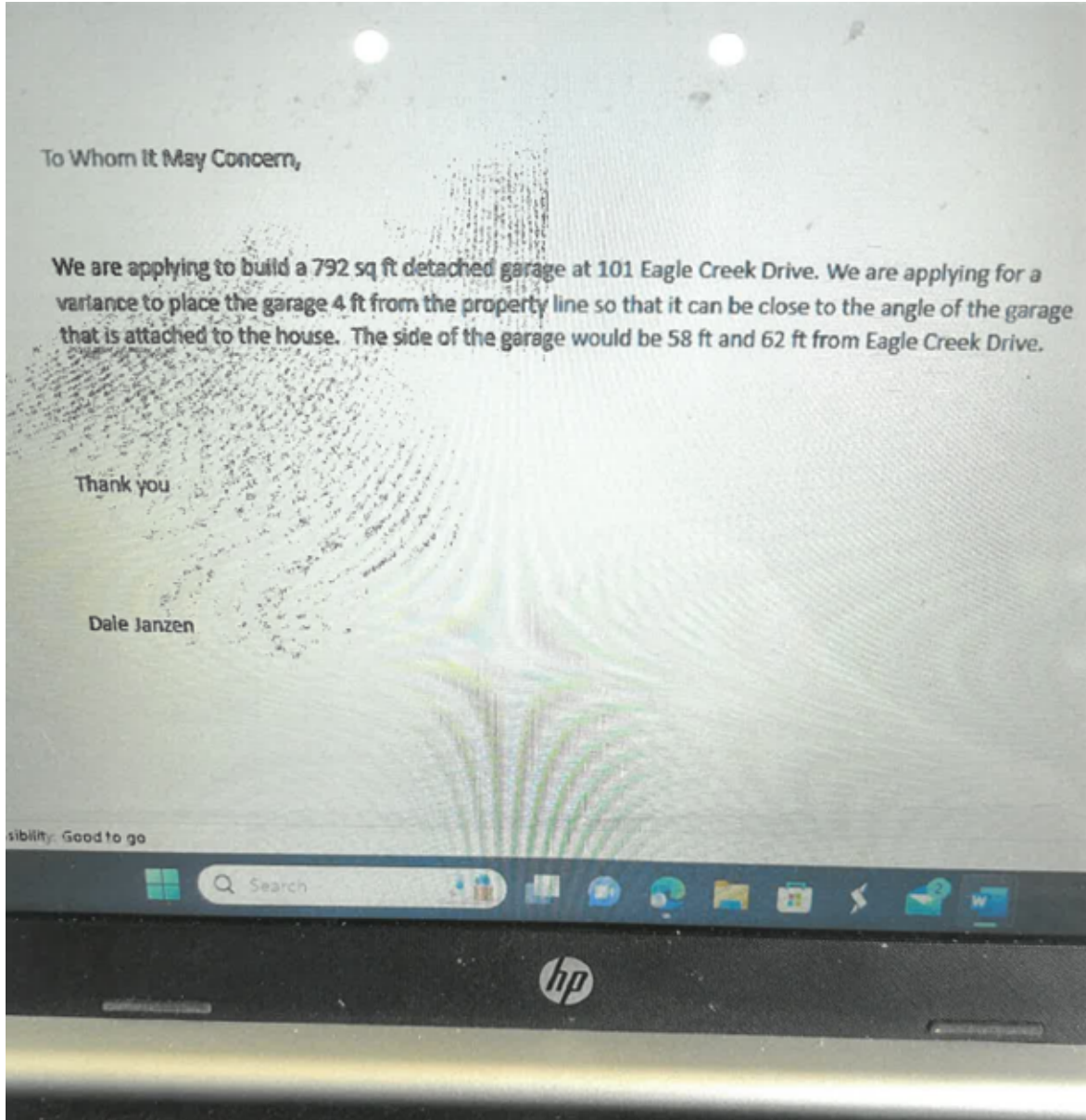
Designation: "SC" Settlement Centre  
Zoning: "R1-17" Single Housing Dwelling

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

-  Subject Property
-  Roads
-  Parcel Outline



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

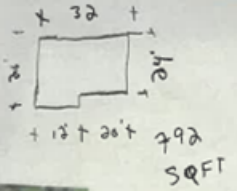




101 EAGLE CREEK DRIVE

4'  
SIDE  
WALK  
FROM  
PROPERTY

PROPOSED  
DETACHED  
GARAGE  
798 SQFT



HOUSE TO  
NEW GARAGE  
24'

NOT TO SCALE

CONCRETE  
SLABS ON  
GRADE  
CONSTRUCTION

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

**VO 72, 2024 – 101 Eagle Creek Dr.**

**CAO:** I have reviewed the application and seek reassurance that the construction of the detached garage will not result in any damage to or removal of municipal trees.

**Operations Manager:** I have reviewed the variance application and there are no PW comments/concerns at this time.

**Planning:** I have reviewed the variance application and I agree with the CAO, I am curious if the large tree to the north east of the proposed structure is rooted on the property owners land or on RM land? Will the construction of the detached garage affect this particular tree?

**Fire Department:** I have reviewed the variance application and the fire department has no concerns, as there is no impact on the delivery of emergency services.