

R. M. of East St. Paul
ZONING BY-LAW 2009-04
VARIATION ORDER FILE NO. 73, 2024
PUBLIC HEARING

We are
Listening.

Public Hearing

**Tuesday,
October 22nd, 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

Website:

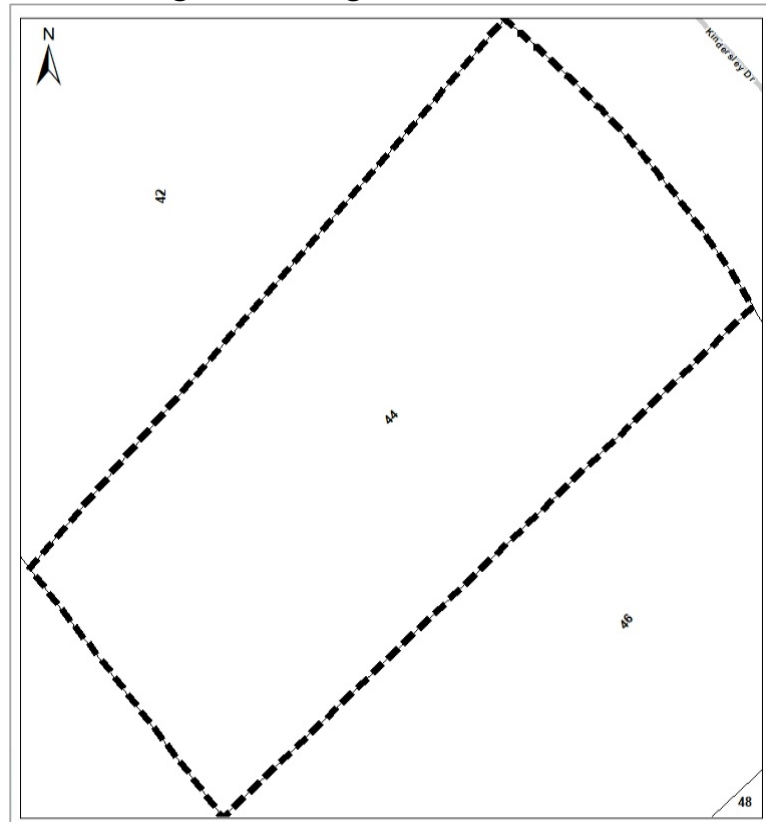
redriverplanning.com



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

What is VO 73, 2024 about?

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



44 Kindersley Drive (Roll 1749.2)

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 22nd, 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 21, 2024
File: VO 73, 2024
To: Council, R.M. of East St. Paul
Prepared by: Jennifer Asaim, Student Planner
From: Calvin So, MCP, Community Planning Assistant
Location: 44 Kindersley Drive
 Roll No. 1749.2
 Lot 62, Plan 38626

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 setback (Accessory buildings)	10 ft (min)	6.5 ft

Purpose:

The owner proposes to reduce the side yard setback to allow for an accessory building (shed) 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 0.38 acres in site area and 83.9 ft in site width. It is located on Kindersley Drive near Mowat Road in East St. Paul. The property is currently developed with a bungalow and an attached garage, and is surrounded by the following.

To the North: Kindersley Drive, followed by properties zoned “R1-17” Single Housing Dwelling.

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

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

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

The subject property is predominantly surrounded by bungalows with an attached garage.

RRPD notes that previous applications in relation to the subject property include building permits (file no. 04-029) for the construction of a bungalow with an attached garage and one (file no. 05-055) for an open deck.

Analysis:

The owner states in their letter of intent that the proposed side yard reduction is to build a 140 sq ft garden shed. The garden shed will allow for adequate storage of yard maintenance equipment and also reduce the number of combustibles items stored outside and inside their garage. The owner notes that they have received the support of their neighbors to go ahead with this proposal.

The subject property is zoned “R1-17” Single Housing Dwelling and designated as “SC” Settlement Centre in the RRPD Development Plan. There appears to be no harmful impact of this proposal on surrounding properties.

Given that the applicant is proposing to reduce the required side yard setback, Council should determine whether the proposal is compatible with the surrounding area.

This application has been circulated to the R.M of East St. Paul. The municipality has no concerns.

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



Letter 8.5 x 11

Date: June, 2024

SUPPORTIVE MAPPING

Variance Order VO73-2024
44 Kindersley 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.)**

June 17, 2024

Red River Planning District
2978 Birds Hill Rd.
East St. Paul, MB R2E1J5

RE: Letter of Intent

**Variance Request for Reduced distance to property line of a Garden Shed located at
44 Kindersley Dr. East St. Paul, MB**

To Whom It May Concern,

We would like to construct a 10x14 garden shed on our property to allow for adequate storage of yard maintenance equipment (such as a riding lawnmower & snowblower), off-season vehicle tires, and patio furniture.

Currently these items are stored either in our attached garage, or outside, which makes it difficult to park our vehicles inside the garage, and increases risk of fire spread from having a lot of combustibles in the garage. As for the exterior-stored items; to store them properly to reduce yard clutter and increase their longevity having them stored inside.

Looking at the setup of our yard, we determined that the best location for the shed is approximately 6.5' from the neighboring property line on the West Side of us. (46 Kindersley). It lines up nice with the corner of our house, trees, and flower garden on west side of our lot. If we are to move it (East) another 4'; aesthetically, it wouldn't look very good.

We have asked our neighbours at 46 Kindersley Dr. if they would give their blessing if we constructed the garden shed within the 10' distance of the property line at the location indicated on our permit request, and they gave their consent/approval.

We have chosen a design that would be aesthetically pleasing, and that would work well with the neighborhood.

We ask that you will consider our variance application to reduce the distance required for our shed to the neighboring property line.

If you have any questions, or need any further information; feel free to call me anytime at 204-485-6660, or email at paul.gadient@oneinsurance.ca

Sincerely,

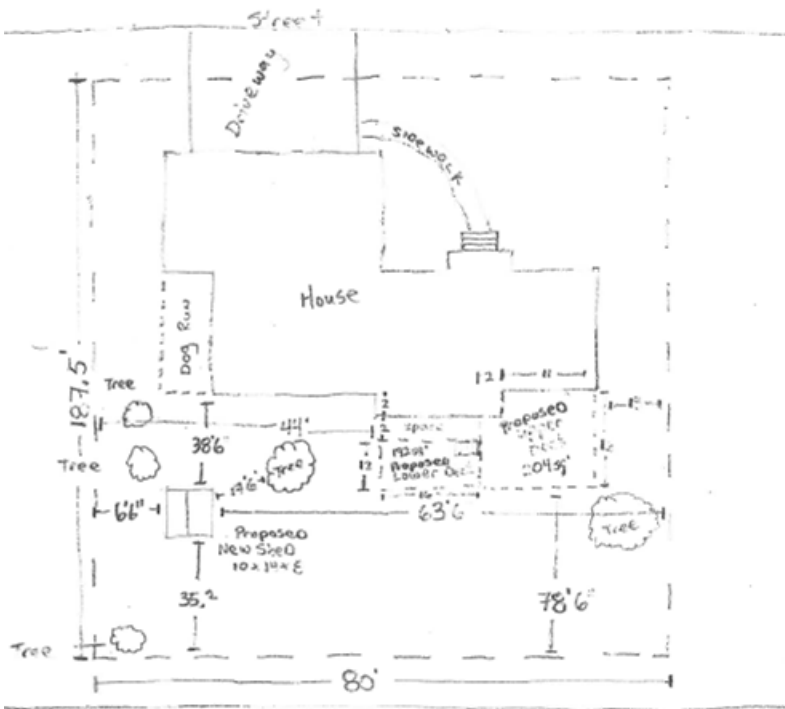


Paul Gadient & Marnie Rand-Gadient

N
- W + E
S

Road - GRADIENT
44 Kinderley Dr
East St. Paul, MN

N



Public walking path

OTHER INFO
(Government Comments, etc.)

VO 73, 2024 – 44 Kindersley Dr.

CAO: I have reviewed the application and do not have any comments or concerns with the application as presented.

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 have no comments.

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.