

R. M. of East St. Paul
ZONING BY-LAW 2009-04
VARIATION ORDER FILE NO. 99, 2024
PUBLIC HEARING

We are
Listening.

Public Hearing

**Tuesday,
September 10th, 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 99, 2024 about?

This Variance application reduces the side yard building setback from 10 ft (min) to **4 ft 1 3/16 inches** in the “R1-17” Single-Family Dwelling Housing Zone, to allow for an addition to the house.



2104 Burton Avenue (Roll #86800)

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 September 10th, 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”



2978 Birds Hill Rd
East St. Paul, Manitoba R2E 1J5
Toll Free: 1-800-876-5831
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VARIANCE APPLICATION

Date: August 14, 2024
File: VO 99, 2024
To: Council, R.M of East St. Paul
Prepared by: Calvin So, MCP, Community Planning Assistant
From: Derek Eno, RPP, MCIP, Manager of Planning Services
Location: 2104 Burton Avenue
Roll No. 86800
Lot 8, Block 3, Plan 1905

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
Interior side yard	10 ft (min)	4 ft 1 3/16 in

Purpose:

The owner proposes to construct an addition onto the existing home, and requires a variance to reduce the side yard (interior) setback for that addition from 10 ft (min) to **4 ft 1 3/16 in**. A site plan is attached to this report.

Background:

The subject property is 7,093 sq.ft. (0.16 ac) in size and is located on Burton Avenue near Gorham Street in Birds Hill, East St. Paul. The size of the subject property is characteristic of other properties in neighbourhood. The subject property is surrounded entirely by properties zoned R1-17 “Single Housing Dwelling” which range in size from 7,093 sq.ft. to 14,196 sq.ft.

RRPD notes that a recent Variance, VO 40, 2024, was approved for a second driveway at the front of the property. Other Variances on this property include V-2010-051 in 2010, which permitted the reduced front yard and side yard setbacks for the existing home and additions to that home. The previous approved variance application (V-2010-051) did not address the reduced side yard (interior) setback of 4 ft 1 3/16 in. for the addition, thus the need for the subject variance application.

Analysis:

The owner proposes to remove portions of the existing home and construct a new addition onto it (e.g. second storey).

The previous variance approval from 2010 (V-2010-051) is still valid as the applicant has demonstrated that they 'acted' on the approval within the required timeframe, as per The Planning Act. That previous variance approval allowed for a portion of the existing house to remain with a 2.45ft side yard setback, but it did not address any new addition to have a 4ft 1^{3/16} in. setback. Therefore, an approval for the addition to have a reduced side yard is also required.

The proposal is generally consistent with the intent of the "SC" Settlement Centre designation of the Red River Planning District Development Plan. Arguably there will be minimal or no land use conflict with this Variance application, as a portion of the existing home already exists with a reduced setback.

Given the size of the subject property at 0.16 ac, Council should determine whether the proposal is compatible with the general nature of the surrounding area.

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:

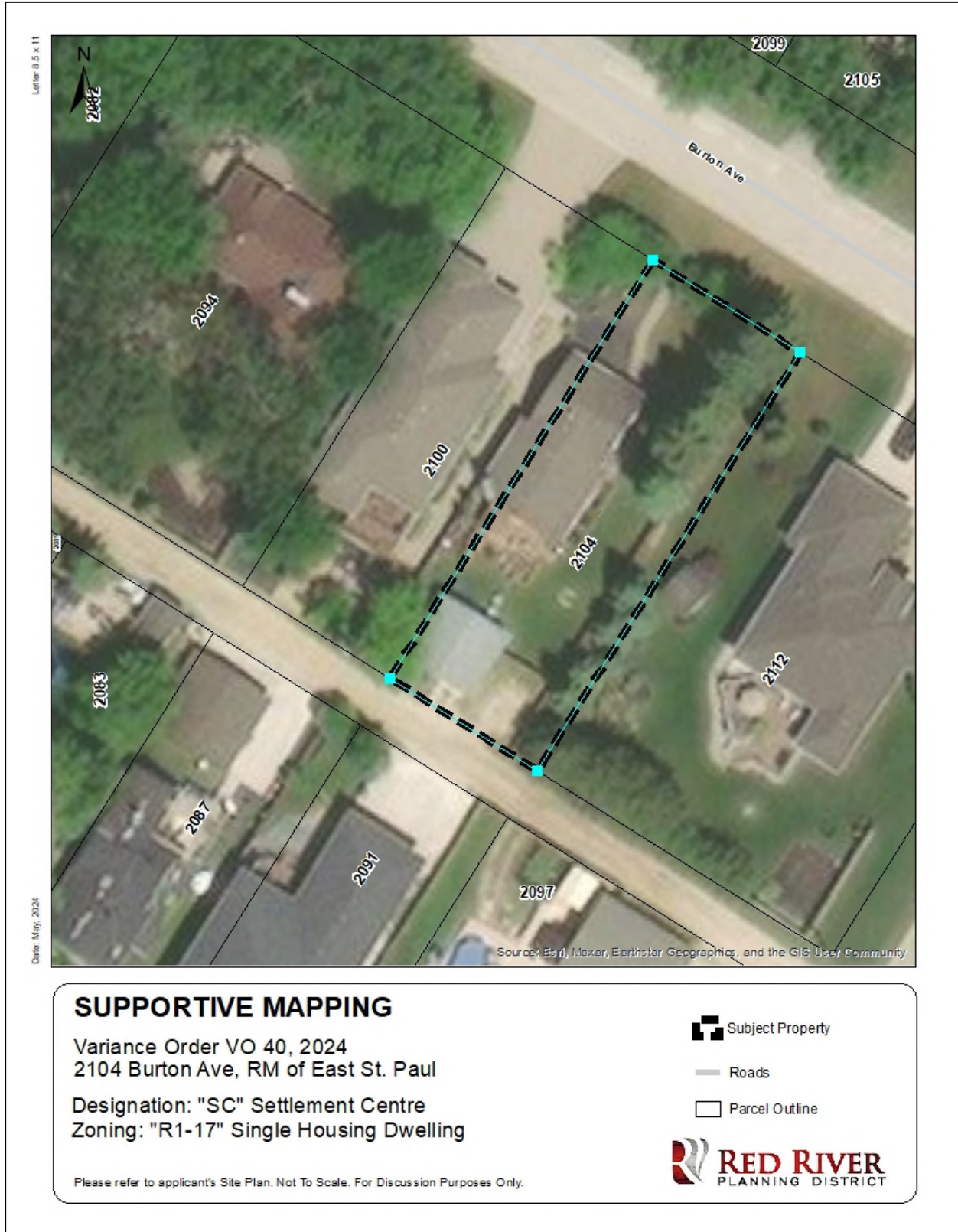
- (a) impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the requirements of clause 97(1)(b); and
- (b) require the owner of the affected property to enter into a development agreement under section 150.

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



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

