

NOTICE OF PUBLIC HEARING

CONDITIONAL USE APPLICATION

Rural Municipality of St. Clements

Under authority of *The Planning Act*, the municipal Council will hold a public hearing at the time and location listed below to hear from those who wish to speak in support or objection, or to ask questions. For more info on how to register for the public hearing please contact the municipality at 204-482-3300.

**Tuesday
September 23, 2025
6:00 P.M.**

**Council Chambers
1043 Kittson Road
East Selkirk, MB**

Note: property owners are responsible for notifying "tenants"

APPLICATION INFORMATION

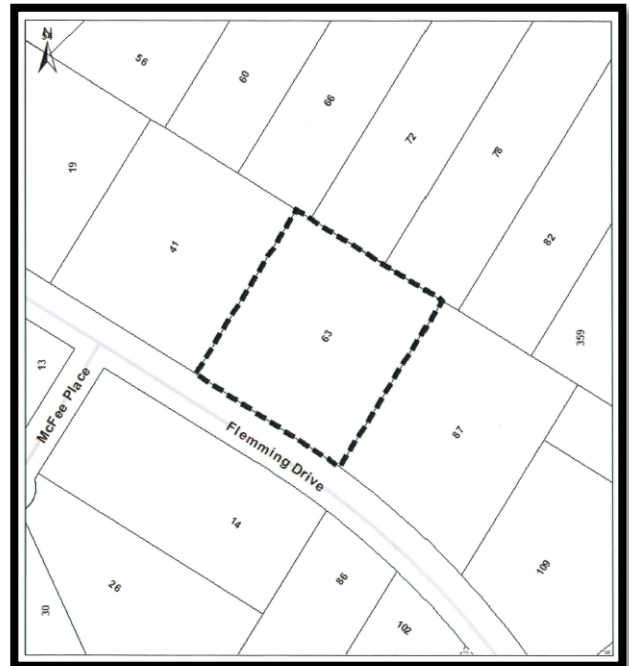
Application File: CU 38-2025

Applicant: Tim and Kerry Lavoie

Property Location: 63 Flemming Drive,
R.M. of St. Clements
Roll # 312706
Legal: 3-1-54308

Application Purpose:

The applicant proposes to allow continued operations of a contractor's establishment, on the subject property.



| Property Zone | Conditional Use Request | Proposed by Applicant |
|------------------------------|---|-------------------------------|
| "AR" Agricultural Restricted | Contractor's Establishment Section 5.3 Table 10: Agricultural Use Table | Concrete Construction Company |

A copy of the above-noted proposal and supporting material is available on the Red River Planning District website at <https://www.redriverplanning.com/hearings.php> or by contacting the Red River Planning District in person during normal business hours Monday to Friday at 2978 Birds Hill Road, East St. Paul, by phone at 204 669-8880, or by email at info@rrpd.ca

CONDITIONAL USE APPLICATION REPORT

| | |
|-------------------------|----------------------|
| Date | September 2, 2025 |
| Application File | CU 38-2025 |
| Applicant | Tim and Kerry Lavoie |

SUBJECT PROPERTY INFORMATION

| | |
|--|--|
| Property Location <ul style="list-style-type: none">- Street Address- Roll #- Legal | 63 Flemming Drive, R.M. of St. Clements 312706 Lot 3 Block 1 Plan 54308 |
| Zoning | "AR" Agricultural Restricted zone RM of St. Clements Zoning By-law No. 5-2002 |
| Development Plan Designation | "AR" Agricultural Restricted designation RRPD Development Plan By-law No. 272/19 |
| Property Size | 175,233 square feet or 4.00 acres in area (+/-) 393' feet in width (+/-) <i>NOTE: Information is based on GIS data</i> |

APPLICATION DETAILS / PROPOSAL

| Property Zone | Conditional Use Request | Proposed by Applicant |
|------------------------------|---|-------------------------------|
| "AR" Agricultural Restricted | Contractor's Establishment Section 5.3 Table 10: Agricultural Use | Concrete Construction Company |

Application Purpose

The applicant proposes to request the continued operation of a Contractor's Establishment. Allowing the concrete construction business to remain on the subject property.

OPTIONS FOR COUNCILS CONSIDERATION

DEFINITION

A Contractor's establishment:

Means a premises where a construction contractor operates a business and where related equipment and materials may be stored, including: wood construction, cabinet making, carpentry, house builders, mobile home and "ready to move" house construction, package home or garage construction, kitchen or bathroom renovating, general contracting, landscape contractors, heating contractors, air-conditioning and refrigeration contractors, insulating contractors, painting contractors, plumbers, sheet metal contractors, roofers, drillers and well contractors, septic tank installation, foundation contractors, excavators, stucco contractors, siding contractors, brick laying, fencing contractors, ventilating contractors, window and door installation, road, bridge, concrete and stucco contractors and other like uses.

Although the application is for a contractor's establishment sections from Home Industries classifications should be considered, as they are like uses and therefore conditions have been added to address the business operations.

There are 3 other businesses in the area that have received approval:

56 Van Horne – Automobile repair

82 Van Horne – Home Industry Automobile repair

30 Colbert Place – Contractor's Establishment for woodworking

DEVELOPMENT PLAN

4.2.10 Home based businesses may be allowed in the Agriculture Restricted area subject to their size, compatibility with surrounding uses, servicing requirements, impacts to offsite infrastructure, and impact on the environment.

OTHER INFORMATION

There is a development agreement registered on the property; however, it does not affect this application as the development agreement was for the subdivision, and all conditions of the agreement have been met.

There is also a drainage easement on the property, which is 3 meters wide around the side yard and rear of the property, and there is no interference with the drainage.

A variance was approved in February 2019 to allow for an oversized accessory structure being 1,536 sq. ft., and a condition of the variance was: "The use of the proposed accessory building is limited to personal use only". In speaking with the applicant, the accessory structure is still being used for personal storage.

Under section 106(1) of *the Planning Act*, on completion of the public hearing, Council may:

- (a) reject the application; or
- (b) approve the application if the conditional use proposed in the application
 - (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 generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law.

RECOMMENDED CONDITIONS OF APPROVAL

Should Council approve the requested conditional use, the following conditions are recommended:

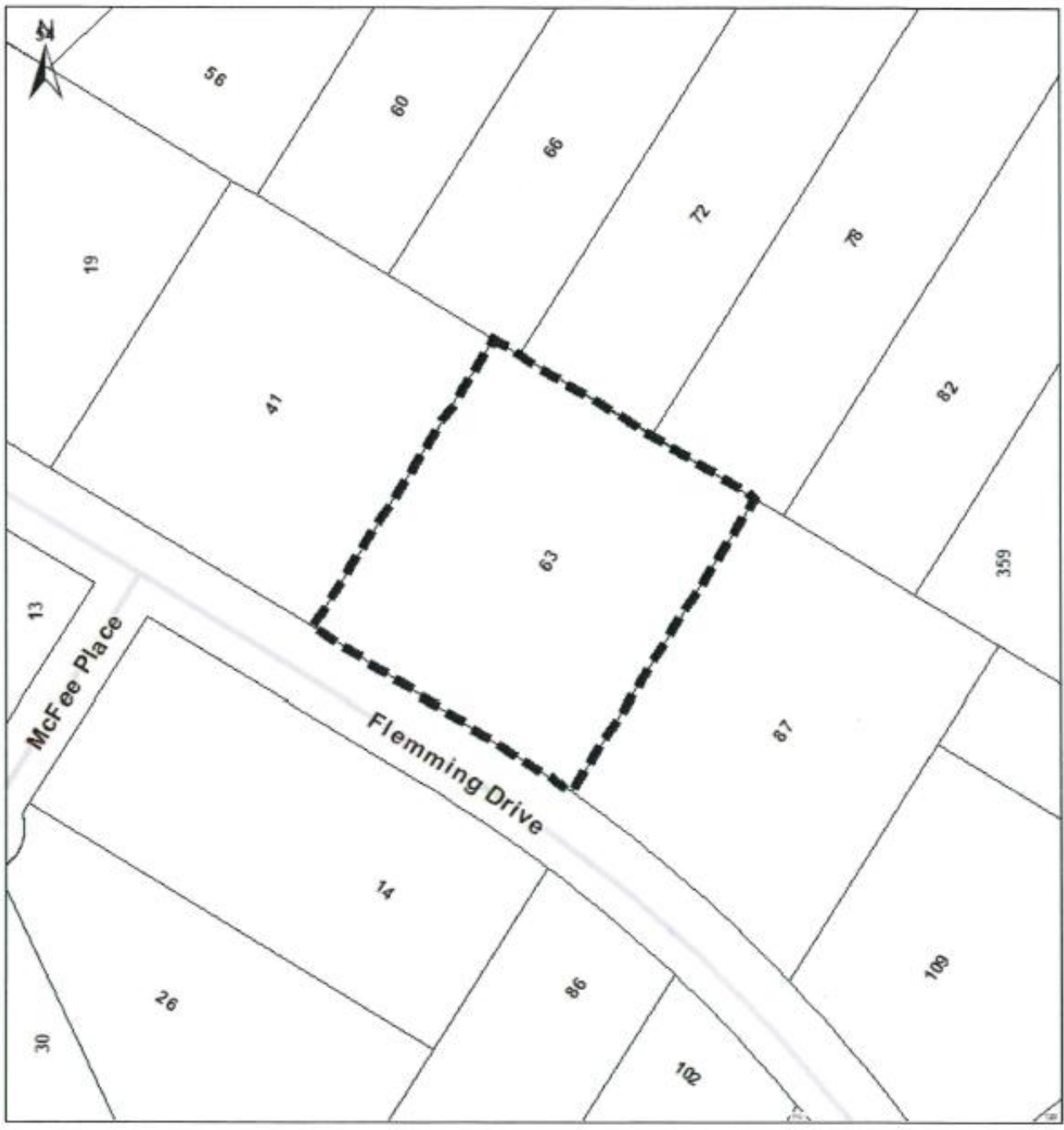
1. This conditional use is limited to what has been presented in this application. Any further changes, replacement or additions would require new approval.
2. Applicant / Owner obtains all required permits from the Red River Planning District and the municipality, if required.
3. Applicant / Owner to pay any outstanding taxes, fines or fees, to the R.M. of St. Clements.
4. Applicant / Owner obtain a business license with the R.M. of St. Clements, in accordance with By-Law 17-96.
5. Applicant/ Owner be restricted to 3 employees which do not reside on the property.
6. Applicant/ Owner to assure that all exterior storage to be enclosed by the existing fence.
7. Applicant/ Owner to have all parking for employees enclosed by the existing fence.
8. The oversized accessory structure shall be used for personal storage.
9. The oversized accessory structure shall not be used for habitable space.

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





SUPPORTIVE MAPPING


Conditional Use Application CU 38, 2025
63 Flemming Drive, RM of St. Clements

Designation: "AR" Agricultural Restricted
Zoning: "AR" Agricultural Restricted

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

 Subject Property

 Roads

 Parcel Outline



ADDITIONAL INFORMATION

Letter of Intent

August 10, 2025

Legal: 3-1-54308

Roll no. 312706

Address: 63 Flemming Drive

We, the owners of 63 Flemming Drive, are requesting a Conditional Use Variance to operate a small construction business out of our property. For the past nine years, we have operated the business from this property (12 years in the community). This operation has been a lawful, productive part of my livelihood and has not, to my knowledge, caused disruption to my neighbors or the community. I value my role in St. Clements and the surrounding area, and I have always strived to be a responsible resident and business owner.

We would like to continue to run our business in the community and are requesting a Conditional Use to operate our business and to park/store our commercial trucks, trailers, and business related supplies on our property within the fenced area.

The business is conducted on our personal 4 acre property in a designated graveled, fenced/ treed in area. We have a 6' tall fence that runs along Flemming Road (65') as well as on the south east property line (145') up to our existing shop.

We are a small seasonal construction company with 2-3 employees with operations that typically run between May-November. It is important to note that our business operations are done offsite which minimizes any undue traffic in the area. Our business has three pick-up trucks, one skid steer, two flat deck trailers, a dump trailer, and one enclosed trailer. They are either parked onsite or in the yard. We have some commercial materials (lumber, rebar, etc) which are stored along the inside fence line minimizing the view from the public. We have an existing shop on our property for personal activities & personal storage. Personal firewood is stored on the property and is visible from the road. We have recently planted 40 plus fast growing trees to "fence off" the whole south east side of the property.

I hope my nine years of good standing and the absence of prior issues will demonstrate my willingness to cooperate and my value as a contributing member of the community. Granting this Conditional Use Permit will allow us to continue to provide to our services to the surrounding area.

Thank you for our consideration.

Sincerely,

Tim Lavoie

63 Flemming Drive

SITE PLAN

