

RM of East St. Paul  
ZONING BY-LAW 2009-04  
VARIATION ORDER FILE NO. 121, 2023  
**PUBLIC HEARING**

We are  
Listening.

**Public  
Hearing**

**Tuesday,  
March 26<sup>th</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)**

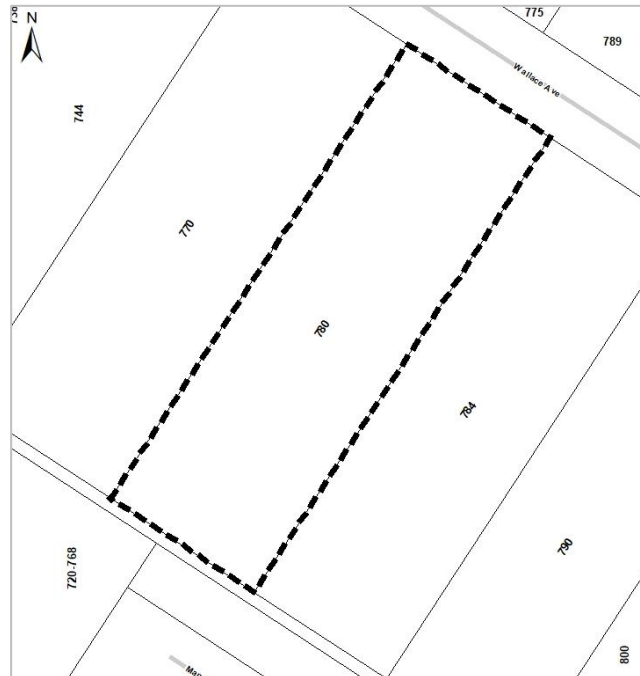


As per *The Planning Act*, any person can make representation on the matter at the meeting.

**What is VO 121, 2023 about?**

This variance application seeks to allow two (2) access points (driveways) in the “R1-17” - Single Housing Dwelling Zone.

\*\* The ESP Council tabled this application during the November 2023 Council meeting, and it is now up for consideration again by the Council.



**780 Wallace Ave. (Roll #20210)**

**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 March 26<sup>th</sup> 2024.**

**For more information, please contact the Red River Planning District.**

Red River Planning District  
2978 Birds Bill Road, East St. Paul

Mon-Fri\*  
8:30am-4:15pm

*\*excludes all statutory holidays*

**Note: Property owners are responsible for notifying “Tenants”.**

# RURAL MUNICIPALITY OF EAST ST. PAUL

Unit 1 - 3021 Birds Hill Rd , East St. Paul , Manitoba , R2E 1A7

Tel: (204) 668-8112

www.eaststpaul.com

November 21, 2023

## RESOLUTION

**Resolution # 2023-424**

**Agenda Item # 6.2.2 Planning Meeting**

**Moved By :** Deputy Mayor Duval

**Seconded By :** Councillor Imhoff

BE IT RESOLVED THAT Council table the public hearing for Variation Order 121, 2023 (780 Wallace Avenue) for further information.

**Carried**

*I, Suzanne Ward, Chief Administrative Officer for the RM of East St. Paul , hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Council of the Rural Municipality of East St. Paul at a meeting.*



Suzanne Ward, CMMA

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## VARIANCE APPLICATION VO 121, 2023

**Date:** November 7<sup>th</sup>, 2023  
**File:** VO 121, 2023  
**To:** RM of East St. Paul  
**Prepared by:** Ingrid Zarichney, Community Planning Assistant, Red River Planning District  
**From:** Santan Singh, Community Planner, Red River Planning District  
**Location:** 780 Wallace Ave.  
Lot 2, Plan 42618 (Roll 20210)

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### Property Zoning:

"R1-17" Single Housing Dwelling Zone  
RM of East St. Paul Zoning By-Law 2009-04

Variance Request	Permitted	Proposed
<b>No. of allowable driveways to property (accesses)</b>	One (1) as per section 56.3 of the ESP zoning By-law.	Two (2) driveways (accesses)

### Purpose:

To allow a second access (driveway) to the property.

### Background:

The subject property is approximately  $\pm$  36, 893 sq. ft. in area and is developed with a single-family dwelling, an attached garage. The property is designated as "*Settlement Centre*" as per the RRPD Development Plan zoned "R1-17" in the East St. Paul zoning by-law.

The application was circulated to the RM of East St. Paul. No comments have been received at the time of this report.

### Circulation:

The application was circulated to the RM of ESP administration for comments. The comments received are below.

**CAO:** Ideally these types of variations would come forward prior to the construction of the approach.

**Operations Manager:** I have reviewed the variance application. The property was serviced by one approach and driveway previously, with the caveat that there was a grassed access point where the new approach has been installed. That existing grassed approach would remain as well as the old culvert in place. The new approach and gravel driveway would have been

constructed recently and would have to comply with existing bylaws. The new approach and driveway are not recommended by Public Works.

**Planning:** I have reviewed the variance application and operations confirmed that an approach permit was not obtained for this property for the second access.

**Fire Department:** I have reviewed the variance application and the fire department has no concerns as it does not impact on the delivery of emergency services.

### **Analysis:**

RRPD notes that the current zoning by-law section 56.3 talks about the access to sites. As per the By-law:

***56.3 No more than one (1) driveway shall be constructed for each title with a developed or proposed principal use and the driveway shall not have more than one (1) access to and from an abutting street and such access shall not be to and from more than one (1) street, except for non-residential uses that may have up to (2) access points.... (BL 2018-03).***

RRPD notes that the driveway is existing and this variance application is required to comply with the zoning by-law requirements.

RRPD notes that as per the operations Manager of the RM administration, *the property was serviced by one approach and driveway previously, with the caveat that there was a **grassed access point where the new approach has been installed**. As per operations, the new approach and gravel driveway would have been constructed recently and would have to comply with existing bylaws.*

RRPD notes that should the council approve this variance, applicant will be required to obtain the required permits from the RM of ESP operations department.



**For council's consideration, below is the timeline of events at the subject property:-**

1. **June 2015:** The applicant/owner obtained approval for side yard variance to build a garage. The Council did not approve the second driveway as part of the variance application in June 2015.

2. **December 2015:** Municipal order sent to the owner to remove the graveled second approach joining the municipal road.
3. **January 2016:** The applicant/owner appeared as a delegation after the Municipal Order. The applicant/owner believed that the driveway is legally pre-existing.
4. **February 2016:** The Council passed a resolution confirming that the Municipal By-law order from December 2015 stands.
5. **March 2016:** The RM of ESP administration sent a letter to remove one approach as per the resolution carried in February 2016.
6. **September 2023:** RRPD received violation complaint for a second driveway without the access permit.

RRPD notes that in order to obtain the access permit from the RM, the applicant is required to obtain this variance varying section 56.3 of the Zoning By-law.

#### **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.

#### **Recommendations:**

Should Council approve the requested zoning variance, we recommend the following condition:

1. This variance be approved to what is proposed within this application. Any further changes will require a new variance approval.
2. Applicant / owner obtains all the required permits from the RM of ESP (operations department).
3. Applicant / owner obtains required permits from the Red River Planning District, if required.


# **LOCATION MAP** **Illustrating subject property**




## **SUPPORTIVE MAPPING**

Variance Order VO 121, 2023  
 780 Wallace Ave., 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

 **RED RIVER**  
 PLANNING DISTRICT



Letter 8.5 x 11

Date: October, 2023




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780 Wallace Ave., RM of East St. Paul

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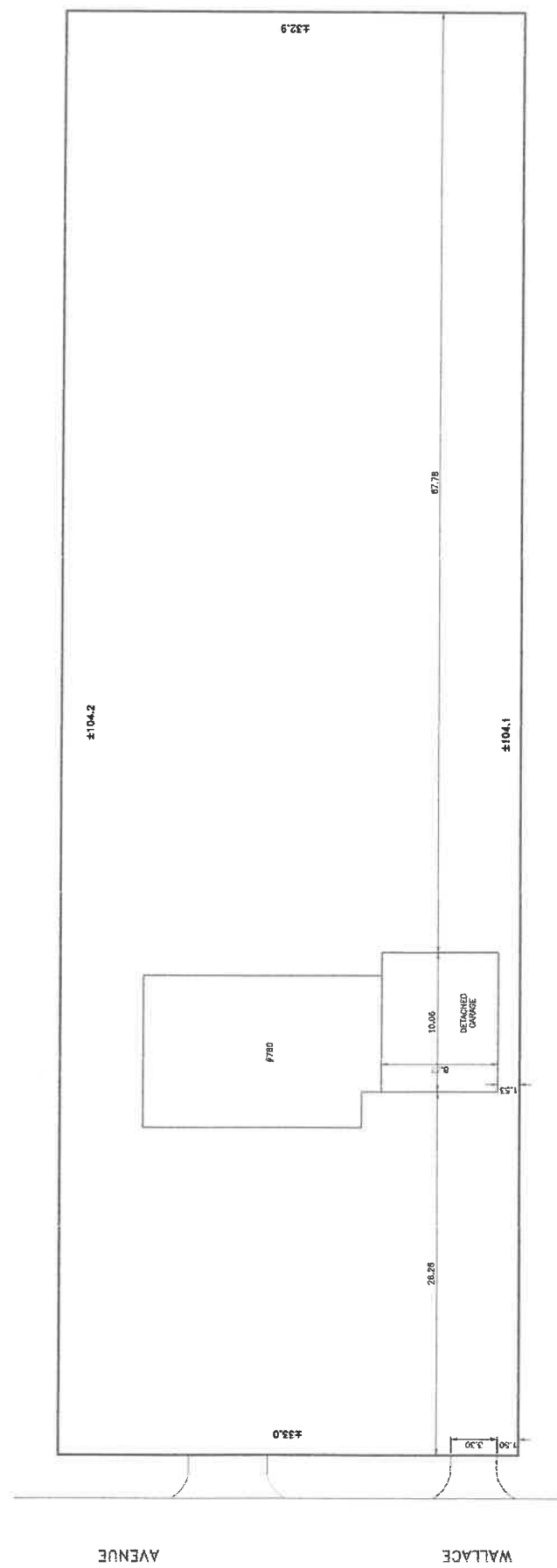
 Parcel Outline



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**APPLICANT PROVIDED INFORMATION**  
(Letter of intent, Site Plan, Other information)



Oct 12, 2023

Joy Linette Lueck

780 Wallace ave

East St. Paul, MB

R3E 0B2

To Whom it may concern;

We are applying for a variance for use of a second driveway on our property. As the property has always had 2 approaches with culverts on it since it was built in 1973, and did have 2 driveways before we purchased the property in May of 1997, when we built the second garage in July of 2015 we didn't see the need to request a variance at that time. Also, there are at least 4 other properties on Wallace that have 2 driveways and approaches on it (544, 524, 492 and 294 Wallace Ave.)

So at this time, we are submitting this variance application as per our correspondence with Trevor Evans Of the Red River Planning District.

Thanking you in advance.

  
Joy Linette Lueck

**GLEN LUECK**  
780 Wallace Avenue,  
East St. Paul, MB R2E 0B2

September 26, 2023

Red River Planning District  
2978 Birds Hill Rd.  
East St. Paul, MB R2E 1J5

Dear Trevor:

**Re: 780 Wallace Ave**

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I have your letter addressed to my wife, Joy Linette Lueck, regarding some concern you say has been raised about our second driveway.

In your letter, you cite the Zoning By-Law which states no more than one driveway can be constructed for each title.

This second driveway existed prior to the By-Law coming into effect and was grandfathered.

This issue was raised in 2016, 7 years ago, which resulted in a court application which had the R.M. of East St. Paul and Red River Planning District as Respondents. This matter adjourned on June 29, 2016 and was never proceeded with or otherwise pursued by the R.M. or Red River Planning District.

It is our position that the R.M. and Red River abandoned any claim or enforcement by taking no further action over the last 7 years and this matter has been resolved.

Yours truly

  
**GLEN LUECK**

**OTHER INFO**

(Government Comments, other relevant information)



**RM of ESP**  
**Public Hearing Comments**  
November 21, 2023

**VO 121, 2023 – 780 Wallace Ave.**

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