

R. M. of East St. Paul  
ZONING BY-LAW 2009-04  
VARIATION ORDER FILE NO. 17, 2024  
**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:**

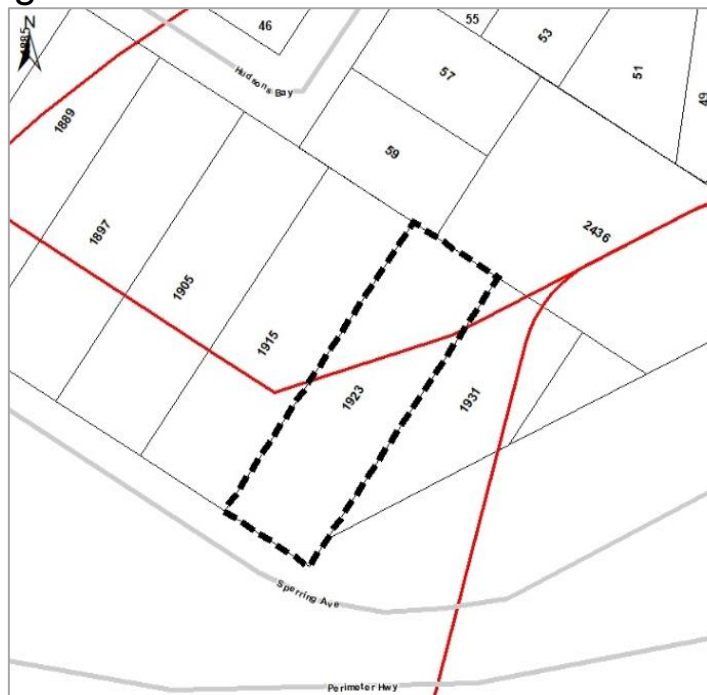
**[redriverplanning.com](http://redriverplanning.com)**



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

**What is VO 17, 2024 about?**

This variance application varies section 60.1 **[Parking]** of the zoning by-law that restricts parking maximum 4 registered vehicles on site, including maximum of one (1) travel trailer or 1 motor home or 1 cargo trailer and/or 1 truck with registered weight of less than 6804 kg in the “R1-17” Single family Dwelling Zone.



**1923 Sperring Avenue (Roll 98500)**

**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 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, MB R2E 1J5  
Toll Free: 800-876-5831  
Phone: 204-669-8880  
Fax: 204-669-8882

**Date:** March 12, 2024  
**File:** VO 17, 2024  
**To:** Council, R.M. of East St. Paul  
**From:** Santan Singh, Community Planner  
**Location:** Lot 15, plan 7566 WLTO  
1923 Sperring Avenue (Roll No. 98500)

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**Property Zoning:**

"R1-17" Single Housing Dwelling Zone  
East St. Paul Zoning By-law No.2009-04

Parking	Zoning By-law Requirement	Proposed by Applicant
<b>Section 60.1 of the Zoning By-law</b>	Maximum 4 registered vehicles on site, including maximum of one (1) travel trailer or 1 motor home or 1 cargo trailer and/or 1 truck with registered weight of less than 6804 kg in the "R1-17" Single family Dwelling Zone.	1 semi-Trailer and 1 truck over 6804 kg in the "R 1-17" zone.

**Purpose:**

To applicant wishes to park, the truck over the allowed weight limit and a semi-trailer on the property.

**Circulation:**

The application was sent to the RM of ESP administration and the provincial department of Highways for comments. The comments received are below:

• **RM of ESP**

- CAO: Given the recent transfer of maintenance responsibilities for Sperring Avenue from the Province of Manitoba to the municipality, it is important to carefully consider the potential impact of the applicant's vehicles/equipment on this roadway, particularly as it is designated as a no-truck route.
- Operations Manager: Public Works has reviewed the variance and has concerns with the application. The RM of East St Paul is now the jurisdiction having authority for Sperring Ave.and has classified Sperring Ave as a "No Truck Route" due to its asphalt surface. Allowing a trucking business to operate on the roadway comes with the associated risks of additional wear.
- Planning: I have reviewed the variance application and the applicant indicates in his letter of intent that he has parked a truck over 6800 kg on the property since the 1970's.

As per section 9.5 of the 'Town Planning Scheme Zoning by-law' (1956-1996), the property owner would require a variance approval in 1970 to park a truck over 6800 kg on the property at that time. There are no records of an approved variance with the Municipality or with the City of Winnipeg.

- Fire Department: Regarding VO 17, 2024. 1923 Sperring Avenue. The fire department has no concerns as it does not impact on the delivery of emergency services.

- **Manitoba Transportation and Infrastructure – Roadside Development:**

The provincial department have no concerns.

### **Background:**

This variance application stems from the Notice of violation letter sent by RRPD By-law to the registered owner. The timeline of the events is below for Council's consideration:

- July 2021: Letter of violation for storage of vehicles on site.
- July 2023: Request for Compliance for parking sent to the registered owner
- August 2023: Notice of Violation sent for parking. Owner requested to apply for variance within 14 days
- September 2023: Order to Remedy Contravention issued as the property remained in violation
- February 20, 2024 : Complete application for Variance received

### **Surrounding:**

The subject land is +/- 0.77 acres in size.

The area around the subject property is zoned "R1-17" Single Housing Dwelling Zone.

### **Analysis:**

Section 60.1 of the Zoning By-law states that:

*Excluding registered vehicles within an enclosed building, for any single housing dwelling in the R1-10 and **R1-17 Zoning Districts** a maximum of **4 registered vehicles** may be parked which could **include the maximum of 1 travel trailer or 1 motor home or 1 cargo trailer and/or 1 truck with a registered gross vehicle weight of less than 6,804.00 kg. (15,000.00 lb.)**, or, provided that approval is granted by the Designated Officer, 1 truck with a registered gross vehicle weight greater than 6,804.00 kg. (15,000.00 lb.), **providing that all yard requirements and other zoning regulations are complied with.***

The applicant is proposing to park 1 semi-trailer and 1 truck exceeding the allowed weight limit of 6804 kg in the "R1-17" zone. However, there is no information provided by the applicant regarding the number of registered vehicles, aside from the semi-trailer and the truck. RRPD advises the Council to seek clarification from the owner and impose a specific condition limiting the number of vehicles permitted to be parked at the property.

The applicant has stated in the letter of intent that the said truck and trailer have been parked at the property since the 1970s. The RM Administration acknowledges that according to section 9.5 of the '*Town Planning Scheme Zoning By-law*' (1956-1996), a variance approval was required in the 1970s to park a truck over 6800 kg on the property at that time. The RM staff further confirms that there are no records of an approved variance with either the Municipality of ESP or the City of Winnipeg.

The following information is for Council's consideration:

- The application results from the By-law violation.
- Council should confirm from the applicant, if the total number of vehicles parked on the property would exceed the maximum of 4 ( including 1 semi-trailer and 1 truck over 6804 kg)
- The placement of the accessory structure in the front yard, along with the separation distance and side yard, does not adhere to the current requirements of the "R1-17" zone. However, it's important to note that the accessory structure falls outside the scope of this variance application, and therefore, the non-compliance regarding the accessory structure is not addressed in this application

**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:

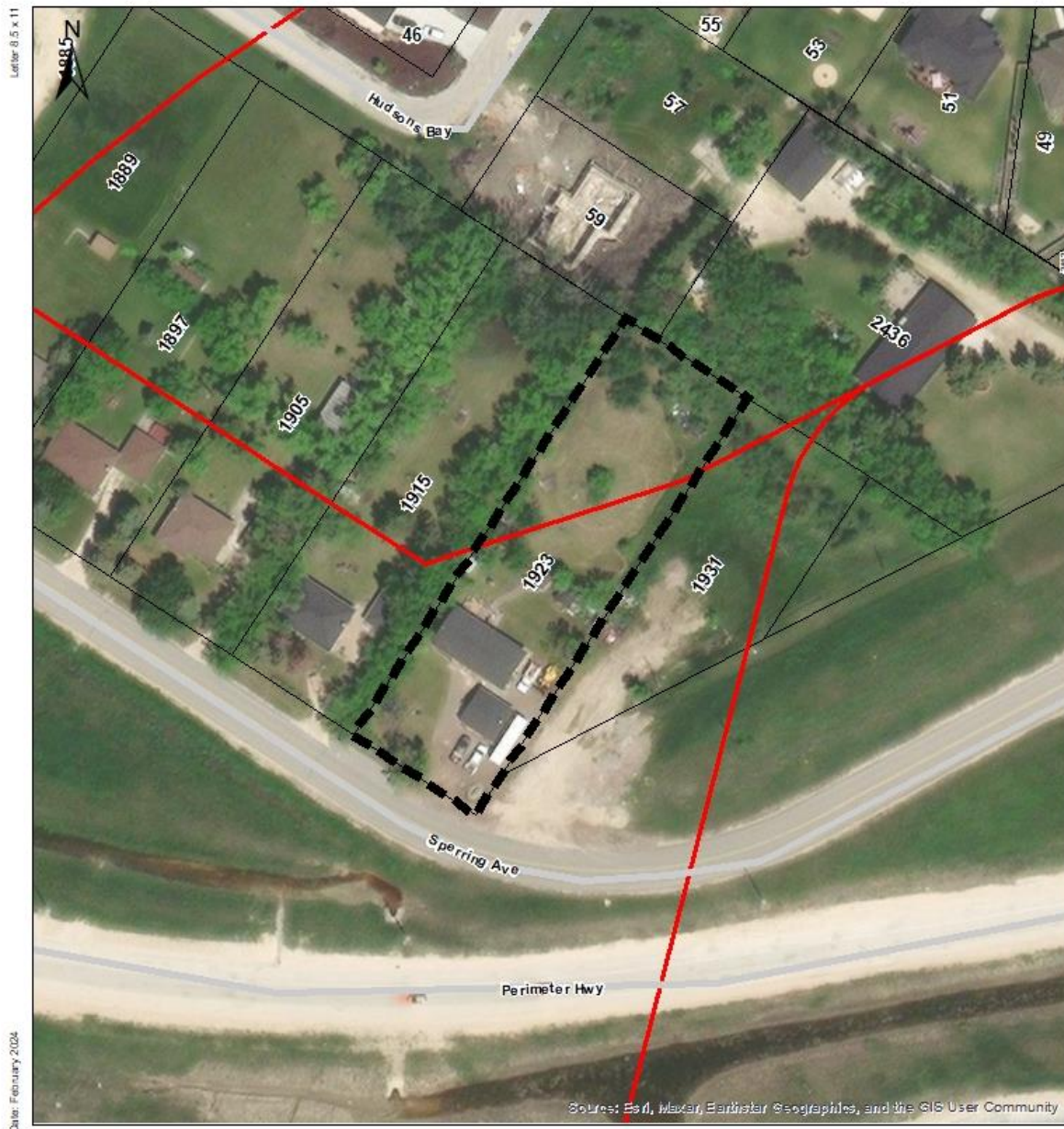
- (a) impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the requirements of clause 97(1)(b); and
- (b) require the owner of the affected property to enter into a development agreement under section 150.

**Recommendation(s):**

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

1. This variance is limited to parking for one (1) truck over 6804 kg, one (1) semi-trailer, and four (4) registered vehicles weighing less than 6804 kg (in addition to the truck and semi-trailer). Any modifications, additions, or increases in parking will require a new variance approval.
2. The total number of registered vehicles parked at the property should not exceed six (6) (including 1 semi-trailer and 1 truck) at all times.
3. The applicant/owner shall maintain the site and surrounding area so it does not become unsightly.
4. The applicant/owner is not permitted to use any other properties for parking or storage.
5. The variance approval can be revoked by the RM of ESP, if the applicant/owner does not adhere to the conditions of approval.

## RRPD LOCATION MAPS Illustrating Subject Property



### SUPPORTIVE MAPPING

Variance Order VO 17, 2024  
1923 Sperring Avenue, RM of East St. Paul  
Designation: "SC" Settlement Centre  
Zoning: "R1-17" Single Housing Dwelling Zone

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

- Subject Property
- Highway Control Zones
- Rail
- Roads
- Parcel Outline





Letter 8.5 x 11



Date: February 2024

## SUPPORTIVE MAPPING

Variance Order VO 17, 2024  
1923 Sperring Avenue, RM of East St. Paul  
Designation: "SC" Settlement Centre  
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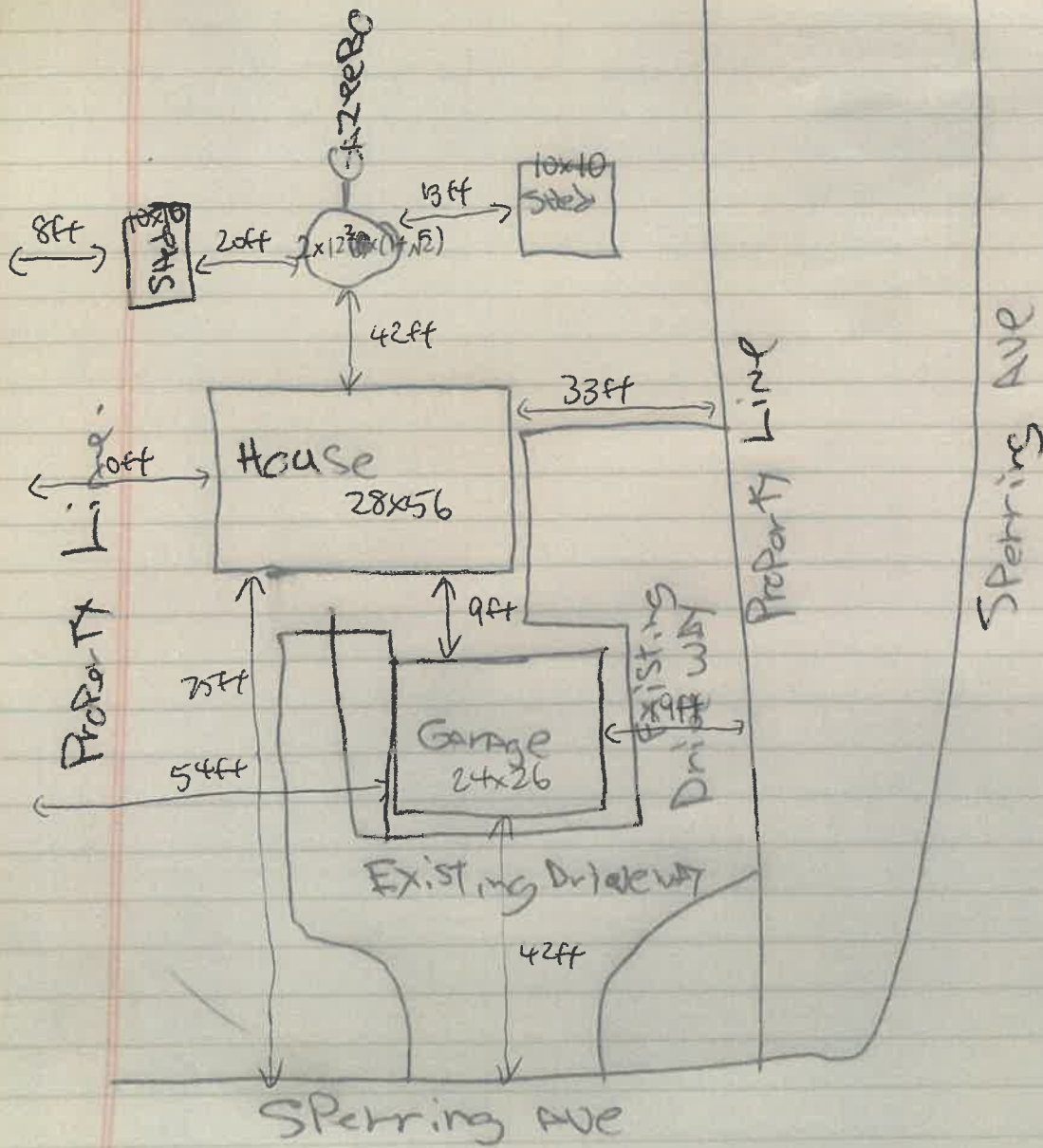


**APPLICANT PROVIDED INFORMATION**  
(Letter of intent, Site Plan, Other information)



I Am Applying To Have my Truck which is over 6804 Kg and Semi-trailer to be Parked on my Property Said truck HAS BEEN THERE SINCE THE EARLY 1970<sup>S</sup> also

# Site Plan For 1923 SPerring Ave



**OTHER INFO**

(Government Comments, other relevant information)



# RURAL MUNICIPALITY OF EAST ST. PAUL

March 26, 2024

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

To Santan Singh

**RE: VO 17, 2024**

Please see the comments below for Variance application VO 17, 2024 for 1923 Sperring Avenue in the RM of East St. Paul.

**COMMENTS:**

**CAO:** Given the recent transfer of maintenance responsibilities for Sperring Avenue from the Province of Manitoba to the municipality, it is important to carefully consider the potential impact of the applicant's vehicles/equipment on this roadway, particularly as it is designated as a no-truck route.

**Operations Manager:** Public Works has reviewed the variance and has concerns with the application. The RM of East St Paul is now the jurisdiction having authority for Sperring Ave. and has classified Sperring Ave as a "No Truck Route" due to its asphalt surface. Allowing a trucking business to operate on the roadway comes with the associated risks of additional wear.

**Planning:** I have reviewed the variance application and the applicant indicates in his letter of intent that he has parked a truck over 6800 kg on the property since the 1970's. As per section 9.5 of the 'Town Planning Scheme Zoning by-law' (1956-1996), the property owner would require a variance approval in 1970 to park a truck over 6800 kg on the property at that time. There are no records of an approved variance with the Municipality or with the City of Winnipeg.

**Fire Department:** Regarding VO 17, 2024. 1923 Sperring Avenue. The fire department has no concerns as it does not impact on the delivery of emergency services.

Cara Nichols  
Community Development Planner

*East St. Paul is a distinctive rural community with urban advantages dedicated to  
maintaining a safe environment with  
a superior level of public services.*

## Santan Singh

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**From:** DiNella, Jeff <Jeff.DiNella@gov.mb.ca>  
**Sent:** March 11, 2024 10:49 AM  
**To:** Santan Singh  
**Cc:** +WPG969 - Roadside Development  
**Subject:** RE: Variance Application VO 17, 2024

You don't often get email from jeff.dinella@gov.mb.ca. [Learn why this is important](#)

Hi Santan,

We have VO 17, 2024 and have no concerns.

Thank You

### Jeff DiNella

*Senior Development Review Technologist  
Manitoba Transportation and Infrastructure  
Highway Design*  
**Cell: (204) 430-7176**

1420-215 Garry Street  
Winnipeg, MB R3C 3P3



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**From:** +WPG969 - Roadside Development <RoadsideDevelopment@gov.mb.ca>  
**Sent:** Friday, March 1, 2024 7:01 AM  
**To:** DiNella, Jeff <Jeff.DiNella@gov.mb.ca>  
**Subject:** FW: Variance Application VO 17, 2024

Due March 12<sup>th</sup>  
PTH 101 & PTH 59

### Kelsey Clevett (she/her)

**Roadside Development Support Technician**  
Highway Design | Engineering and Technical Services  
Manitoba Transportation and Infrastructure  
1420 - 215 Garry Street | Winnipeg MB R3C 3P3 | (431) 338-9231

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**From:** Santan Singh <[santan@rrpd.ca](mailto:santan@rrpd.ca)>  
**Sent:** Thursday, February 29, 2024 1:14 PM  
**To:** +WPG969 - Roadside Development <[RoadsideDevelopment@gov.mb.ca](mailto:RoadsideDevelopment@gov.mb.ca)>; Cara Nichols <[planning@eaststpaul.com](mailto:planning@eaststpaul.com)>  
**Cc:** Calvin So <[calvin@rrpd.ca](mailto:calvin@rrpd.ca)>; Luanne Martin <[luanne@rrpd.ca](mailto:luanne@rrpd.ca)>  
**Subject:** Variance Application VO 17, 2024

You don't often get email from [santan@rrpd.ca](mailto:santan@rrpd.ca). [Learn why this is important](#)

Good Afternoon,

Attached is the Variance application VO 17, 2024 in the RM of ESP for your review and comments.  
The Public hearing will be scheduled on March 26<sup>th</sup> 2024, so please get us the comments by March 12<sup>th</sup> 2024.

Thanks,



**Santan Singh, M.C.P**  
**Community Planner**  
**Red River Planning District**

2978 Birds Hill Rd. East St. Paul, MB R2E 1J5

Tel: 204-669-8880 Fax: 204-669-8882

Direct: 204-661-7606

[www.redriverplanning.com](http://www.redriverplanning.com)

Planning and Development Services for the Municipalities of:

**Dunnottar – East St. Paul – St. Andrews – St. Clements – West St. Paul**