

Village of Dunnottar
ZONING BY-LAW 858/08
VARIATION ORDER FILE NO. 18, 2024
PUBLIC HEARING

We are
Listening.

**Public
Hearing**

**Monday,
April 8th, 2024**

10:00 AM

**Council Chambers
44 Whytewold Rd.
Matlock, MB**

Phone:

(204) 669-8880

1-800-876-5831

Fax:

(204)669-8882

E-Mail:

info@rrpd.ca

Website:

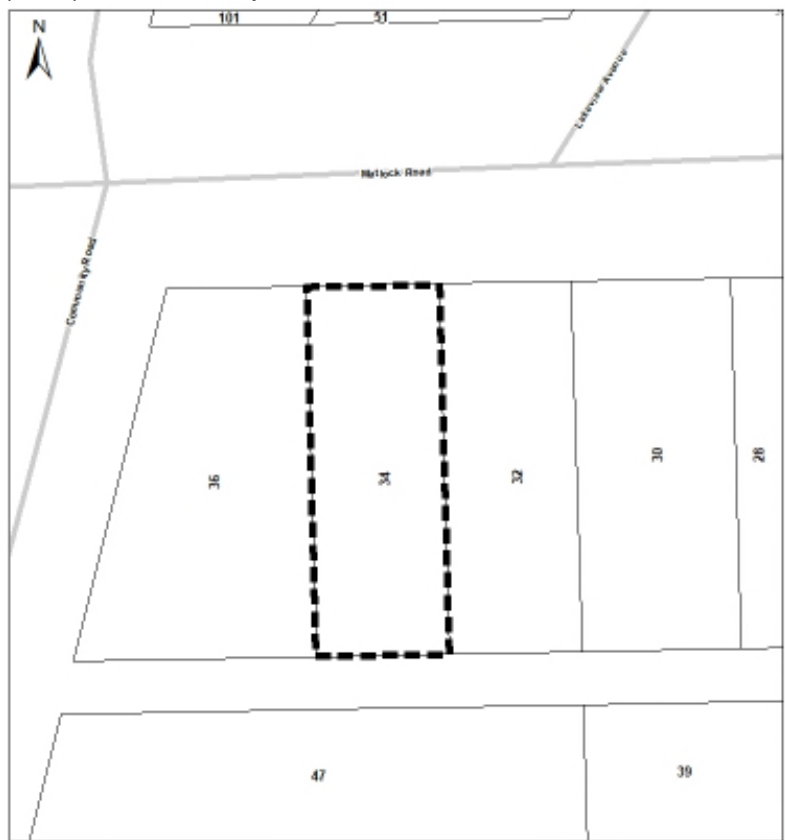
redriverplanning.com



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

What is VO 18, 2024 about?

This variance is to reduce the minimum required number of parking, and reduce both the minimum front yard (north) and side yard (east) setback requirements in the "C" Commercial Zone.



34 Matlock Road (Roll No. 36200)

Please be advised that a Public Hearing will be conducted in person at the Council Chambers. Participants must register at the entrance on the day of the Public Hearing. If you require further information about attendance, please contact the municipality at info@dunnottar.ca or by phone at (204) 389-4962.

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

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

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

**excludes all statutory holidays*

NOTE: Property owners are responsible for notifying "Tenants".

Date: March 18, 2024
File: **VO 18, 2024**
To: Planning Commission, Village of Dunnottar
From: Derek Eno, Manager of Planning Services, Red River Planning District
Location: 34 Matlock Road
Lot 2, Block 2, Plan 2615 (Roll 36200)

Property Zoning:
"C" Commercial Zone
Village of Dunnottar Zoning By-Law 858/08

Variance Request	Required	Proposed
Parking spaces	11 spaces	3 spaces
Minimum yard requirements	20 ft (min) – front yard 20 ft (min) – east interior yard	5 ft (min) – front yard 8 ft (min) – east interior yard

Purpose:

To reduce the minimum required number of parking spaces, and to reduce the setback requirements for the front yard and side yard (east), in order to allow an existing non-conforming commercial building to remain.

Background:

The subject property is approximately 0.16 acres (6,997 sq. ft.) in site area and 50 ft. in site width. It is currently developed with a commercial retail building (Matlock Village Junction) that is 3,150.39 sq.ft. in size.

The subject property is surrounded by the following:

To the North: Matlock Road, followed by residential properties zoned "R" Residential.

To the South: Residential properties zoned "R" Residential.

To the West: Commercial properties zoned "C" Commercial.

To the East: Residential properties zoned "R" Residential.

Analysis:

The subject land is located on Matlock Road east of Community Road in the Village of Dunnottar, and has a 3,150.39 sq.ft. non-conforming commercial building located on it, which that applicant indicates was originally constructed in 1959. There are inadequate permit records for this existing building to declare it a legal non-conforming building.

As the property owner wishes to constructed improvements to this existing non-conforming commercial building, zoning variances are required to bring it into conformance before RRPD can issue new permits. Specifically, variances are required for parking spaces, front setback, and side setback.

Parking Spaces

The parking requirement for the “C” Commercial Zone is

- 1 space per 325sq.ft. of floor area, and, 1 space per employee.

Consider the building is 3,150.39 sq.ft. and there is one employee, 11 parking spaces are required on site.

The applicant’s site plan proposes three parking spaces that are labelled as “employee parking”, which are accessible from the rear lane. Traditionally, customers have parked in front of the building in an area that is actually part of the Matlock Road right-of-way.

Setbacks

Like all zones within the Zoning By-law, the “C” Commercial Zone includes minimum building setbacks for front side and rear yard. However, it should be noted that the setback requirement becomes more restrictive when a commercial property is next to a residentially zoned property. That is the case here. Since the building has existed since 1959 with reduced setbacks, there are no new impacts on neighboring properties.

The subject property is designated “SC” *Settlement Centre* in the Development Plan. The following are objectives and policies relevant to the subject proposal:

- 4.5.e *To protect Settlement Centres from those land-use activities that have the potential of being detrimental to the health, safety and general welfare of the community.*
- 4.5.g *To avoid and prevent wherever possible conflict between different urban type landuses.*
- 4.5.4 *Land uses shall be so grouped and located so as to be compatible with the existing or proposed land uses.*

The following information is for Council’s consideration;

- The proposed variances involve a commercial retail building, which has existed since 1959. Arguably, there would be no new impacts to neighboring properties.
- The variances are required to bring the existing non-conforming retail commercial building into Zoning compliance, in order for new permits to be issued.
- Customer parking has traditionally taken place at the front of the building within the Matlock Road right-of-way. And employee parking is located off the rear lane.
- The application was circulated to the Village of Dunnottar for comments, and there are no comments as at the time of writing this report.

Options:

Under section 97(1) of *the Planning Act*, on completion of the public hearing, the Planning Commission 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, Planning Commission may:

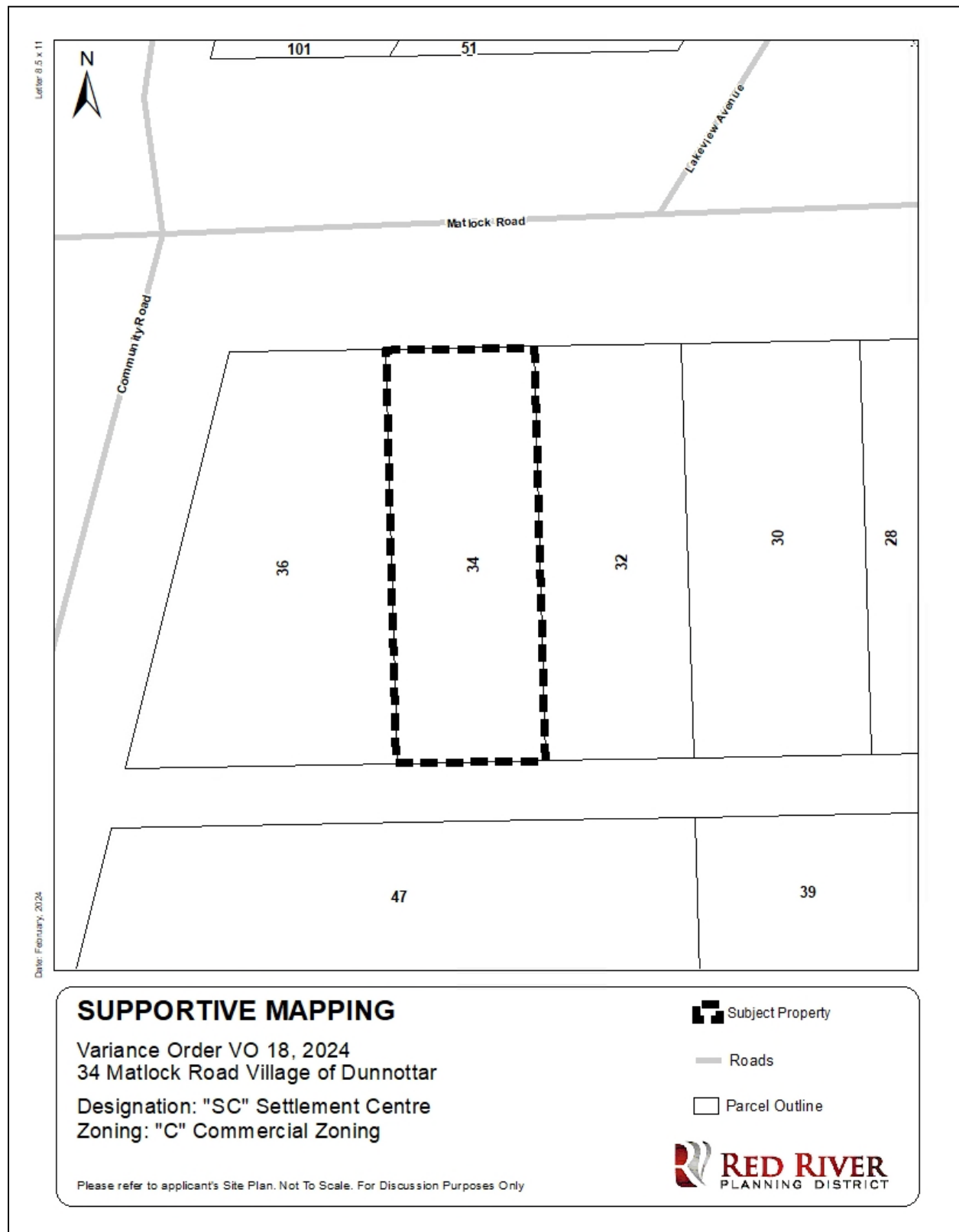
- (a) impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the requirements of clause 97(1)(b); and*
- (b) require the owner of the affected property to enter into a development agreement under section 150.*

Recommendations:

Should the Planning Commission approve the requested zoning variance, we recommend the following conditions:

1. This variance is limited to what is proposed in this application. Any changes in use, location, and/or replacement may require a new variance approval.
2. Applicant / owner obtains all required permits and approvals, including from the Red River Planning District and the Village of Dunnottar.

RRPD LOCATION MAP Illustrating Subject Property



Letter 8.5 x 11




Date: February, 2024

Source: Esri, Maxar, Earthstar Geographics, and the ©IS User Community

SUPPORTIVE MAPPING

Variance Order VO 18, 2024
34 Matlock Road Village of Dunnottar
Designation: "SC" Settlement Centre
Zoning: "C" Commercial Zoning

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

 Subject Property

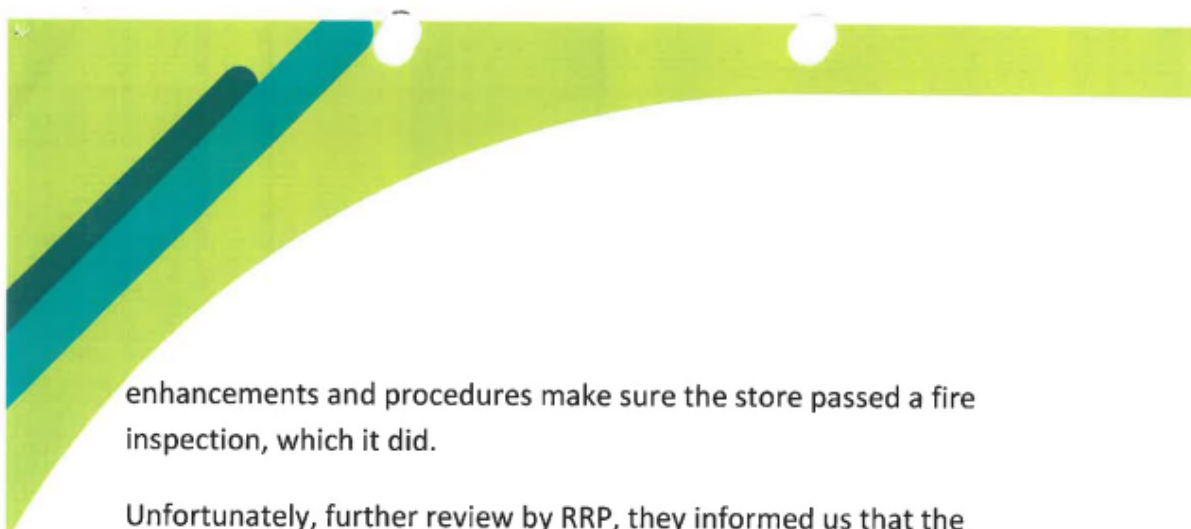
 Roads

 Parcel Outline



INFORMATION SUBMITTED BY THE APPLICANT
(Letter of Intent, Site Plan, etc.)





enhancements and procedures make sure the store passed a fire inspection, which it did.

Unfortunately, further review by RRP, they informed us that the combination of the original OP and new Fire inspection was insufficient and a new plan was made that would include us pulling a permit for the recent Post Office mail box move. Even though nothing structural was changed – we agreed to this as it would lead to the outcome of a current OP.

However - during the review of this new permit, RRP brought up that we are missing a variance to park in the spaces out front and building setbacks, which leads us to this request.

Please help us keep the store in Matlock and grant us a variance to allow our community to park in the stalls out from of the store.

Yours in Community,

Darcy Geirnaert and Todd poltronetti



