

Village of Dunnottar
ZONING BY-LAW 858/08
VARIATION ORDER FILE NO. 19, 2024
PUBLIC HEARING

We are
Listening.

**Public
Hearing**

**Monday,
April 8th, 2024**

10:00 AM

**Council Chambers
44 Whytefold 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 19, 2024 about?

This application proposes multiple variance that would facilitate the construction of a new house in the "RL" Lakefront Residential zone. Requested variances include increasing building height, increasing building site coverage, and reducing building separation and setbacks.



181 Adams Blvd. (Roll No. 25800)

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 19, 2024**
To: Planning Commission, Village of Dunnottar
From: Derek Eno, Manager of Planning Services, Red River Planning District
Location: 181 Adams Boulevard
 Lot 6, Block 3, Plan 1948 (Roll 25800)

Property Zoning:
 "RL" Lakefront Residential Zone
 Village of Dunnottar Zoning By-Law 858/08

#	Variance Request	Required	Proposed
1	Building Height (Single Family Dwelling)	1 ½ Storey (max.)	2 storey (29 ft., 8 in.)
2	Site Coverage (Single Family Dwelling)	20 % (max.)	27%
3	Side Setback – North (Single Family Dwelling)	10 ft. (min.)	7 ft.
4	Side Setback – South (Single Family Dwelling)	10 ft. (min.)	7 ft.
5	Rear Setback – Lake (Single Family Dwelling)	25 ft. (min.)	8 ft.
6	Eave Projection – North Side Yard (Single Family Dwelling)	1 foot projection (max.) - 9 ft. from property line	5 ft. from property line
7	Eave Projection – South Side Yard (Single Family Dwelling)	1 foot projection (max.) - 9 ft. from property line	5 ft. from property line
8	Eave Projection – Rear / Lake Side Yard (Single Family Dwelling)	2 foot projection (max.) - 23 ft. from property line	12 ft. from property line
9	Separation Distance – eave to eave (House to Garage)	10 ft. (min.)	6 ft.

Purpose:
 The applicant proposes multiple variances in order to allow the construction of a new home.

Background:
 The subject property is located on the east side of Adams Boulevard adjacent to Lake Winnipeg. The property is approximately 0.14 acres (5,972 sq. ft.) in site area, and 50 ft. in site width. It is currently developed with accessory buildings and a home. The subject property is surrounded by the following:

To the North: Residential homes zoned "RL" Lakefront Residential.

To the South: Residential homes zoned “RL” Lakefront Residential.

To the West: Adams Boulevard, then residential homes zoned “R” Residential.

To the East: Lake Winnipeg.

Analysis:

The applicant proposes to construct a new 2-storey house on the property with the existing garage, shed and detached deck to remain. It should be noted that the eave around the house is 2 ft. (24 in.) wide. Because the property is only 50ft wide, the Zoning By-law limits Building Height to 1 ½-storeys. The Dunnottar Zoning By-law scales the Building Height, Setbacks and lot width. Meaning, taller buildings need to be on wider lots with larger setbacks.

In deciding whether or not to approve this application, the Planning Commission may want to consider the following:

- Does overall massing of the proposed house on the lot fit with the character of neighborhood?
- Will any of the proposed variances have a negative impact on neighboring properties and /or property owners?

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 landuses.*
- 4.5.4 *Land uses shall be so grouped and located so as to be compatible with the existing or proposed land uses.*

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:

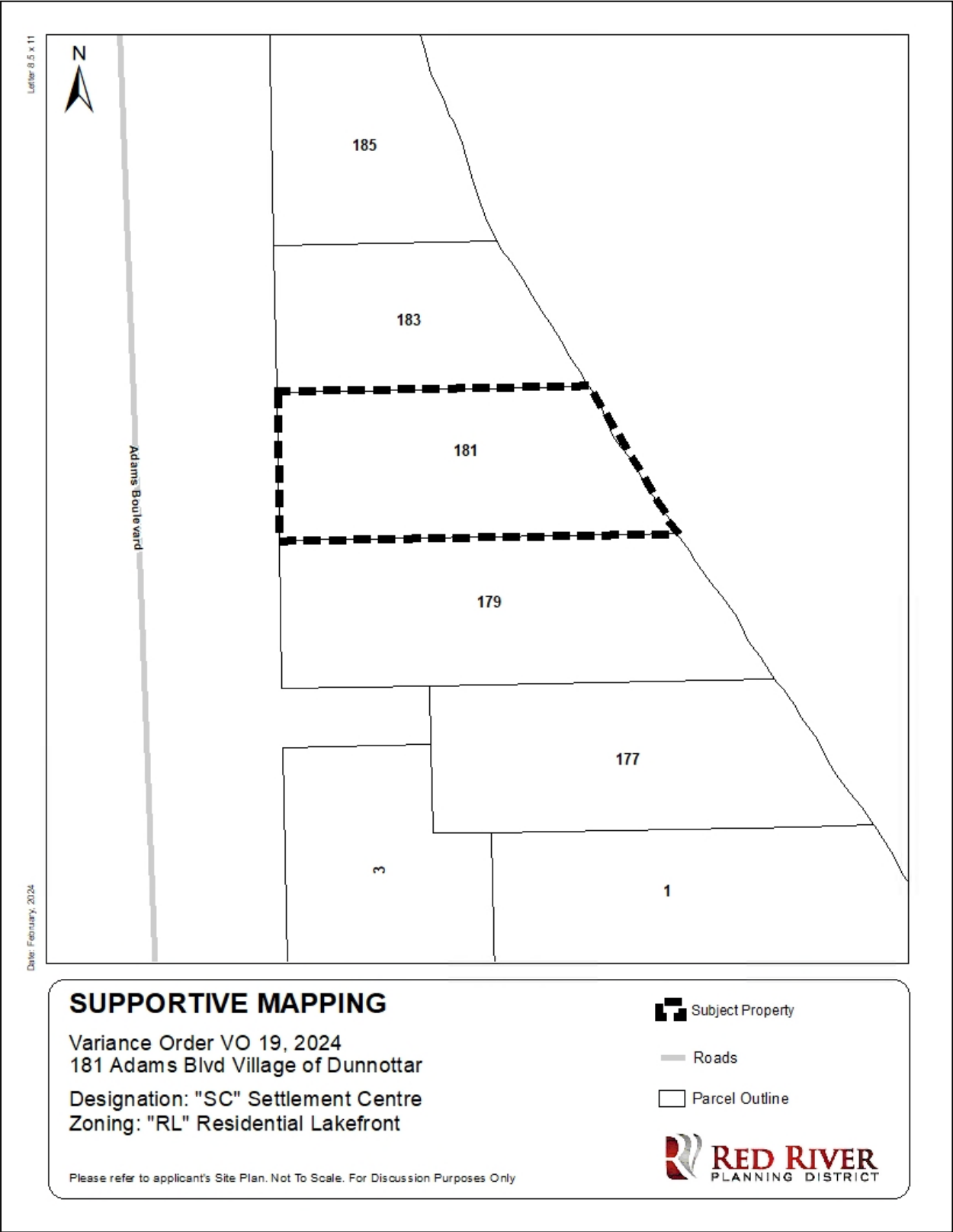
- (a) impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the requirements of clause 97(1)(b); and*
- (b) require the owner of the affected property to enter into a development agreement under section 150.*

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


SUPPORTIVE MAPPING


Variance Order VO 19, 2024
181 Adams Blvd Village of Dunnottar

Designation: "SC" Settlement Centre
Zoning: "RL" Residential Lakefront

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.)

Letter of Intent for 18^{1/2} Adams BLVD Matlock

To whom it may concern,

In April of 2023, we planned an interior renovation project to update the aesthetic aspects at our cottage we had purchased less than a year earlier. As we dug deeper into the structure of the dwelling, we discovered there was a long list of issues created from a renovation completed without permits in 2003. The largest issues centered around the structural elements of the entire cottage as well as a large amount of black mold. One structural engineer commented it was the worst he had ever seen, and if there was a year with a lot of snow it was possible the entire structure to collapse. Upon this discovery we realized there was no salvaging the existing structure and we would have to replace it. We are now looking for some variances for the new build. Every attempt was made to keep the new design on a similar footprint to the current structure. The new design is actually 2 feet narrower, and properly aligned with the lot, as opposed to the current structure, which is 2 feet wider and on an angle creating small side yards. The new design is the same distance to the lake as the existing building, and the deck on the lake side sits in the same place as the existing deck. Given we were informed the renovation completed 20 years ago was known by the RM, and not shut down for lack of permits, we do not feel as though we are asking for too much. I purchased this cabin to enjoy with my wife and 3 young children, and we have missed almost an entire year of use, not to mention the expense we have incurred on a property we are unable to use. We have spoke with our neighbours on all side, and none have a concern with the proposed new cottage, and we are able to share their contact info if required. We have explored all our options in terms of next steps, and we feel as though our variance requests are the best option.

Thanks,

Matt Walters



