

R.M. of St. Clements
ZONING BY-LAW 5-2002
VARIATION ORDER FILE NO. 20, 2024

PUBLIC HEARING

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

We are
Listening.

**Public
Hearing**

**Tuesday,
May 28, 2024**

6:00 PM

**Council Chambers
1043 Kittson Rd.
East Selkirk, MB**

Phone:

(204) 669-8880

1-800-876-5831

Fax:

(204) 669-8882

E-Mail:

info@rrpd.ca

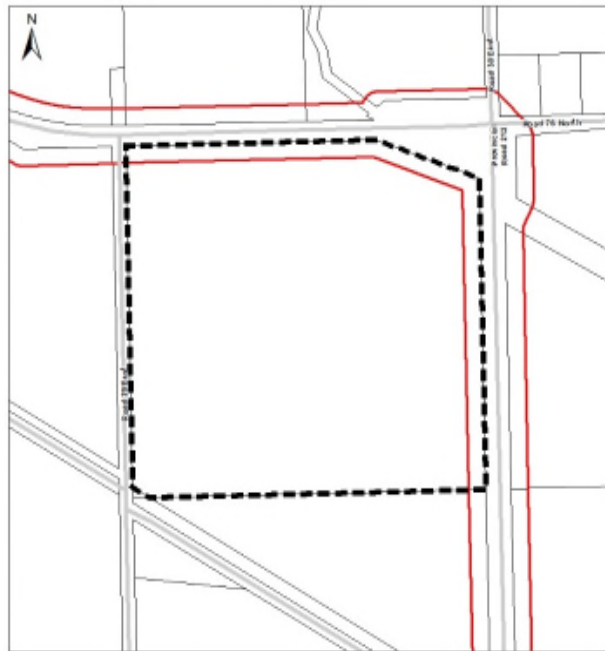
Website:

redriverplanning.com



What is VO 20, 2024 about?

This variance application is to reduce the minimum site area for a proposed new lot in the "A80" Agricultural General zone, as part of conditions within proposed Subdivision Application S24-3046.



75151 Road 29E (Roll No. 314000)

Seating at the public hearing will be limited to accommodate social distancing. We ask that you contact the municipal office at 204-482-3300 or info@rmofstclements.com to register your attendance so that we can insure adequate physical distancing seating. Alternatively, you can contact the RM of St. Clements to receive an invitation to public hearing remotely through Zoom, submit questions or concerns in writing or visit the municipality's website for the link to live streaming with interactive chat.

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 14, 2024
File: VO 20, 2024
To: Council, R.M. of St. Clements
From: Derek Eno, MCIP, RPP
Location: Pt. NE 24-13-5E
75151 Road 29E (Roll No. 314000)

Property Zoning:
"A80" Agricultural General Zone,
R.M. of St. Clements Zoning By-Law 5-2002

Variance Request	Zoning By-Law Requirement	Proposed by Applicant
Site Area	80 ac (min)	7.68 ac Proposed Lot

Purpose:

To reduce the minimum site area in an "A80" Agricultural General property from 80 ac (min) to 7.68 ac. This Variance is associated with Subdivision Application S24-3046, and variance approval is a proposed condition for the subdivision.

Background:

The applicant is seeking to subdivide the subject land into one lot of ± 7.68 acres, leaving a residual lot of ± 142.9 acres. The applicant wishes to separate the existing home and yard from the rest of the property. The proposed lot does not comply with the acreage requirements of the "A80" zone in the R.M. of St. Clements Zoning By-law. Therefore, variance approval will be required to bring the lot into compliance.

The area around the subject property is as follows:

To the North: Provincial Road 212, then farmland zoned "A80" Agricultural General.

To the South: Farmland zoned "A80" Agricultural General.

To the West: Road 29 East, then farmland zoned "A80" Agricultural General.

To the East: Provincial Road 212, then farmland zoned "A80" Agricultural General.

Analysis:

This variance application is associated with Subdivision Application S24-3046. The subject property is zoned "A80" *Agricultural General* in the Zoning By-Law and designated "RA" *Resource and Agriculture* in the Development Plan. The proposal is consistent with the Red River Planning District Development Plan By-Law 279/19 objectives and policies for "RA" *Resource and Agriculture* designation.

Approving the requested variance will allow the applicant to complete a condition of their proposed subdivision and move one step closer to completing all conditions required for the application.

The following information is for Council's consideration:

- The site area requirements for as proposed within the subdivision for the proposed lot did not comply with the St. Clements Zoning By-Law 5-2002, "A80" *Agricultural General* zone.
- The applicant intends to subdivide the property as it's an excess farm yard and barn that they won't need anymore.
- The application was circulated to the R.M. of St. Clements and Manitoba Transportation and Infrastructure – Highways Branch, and there were no concerns.

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:

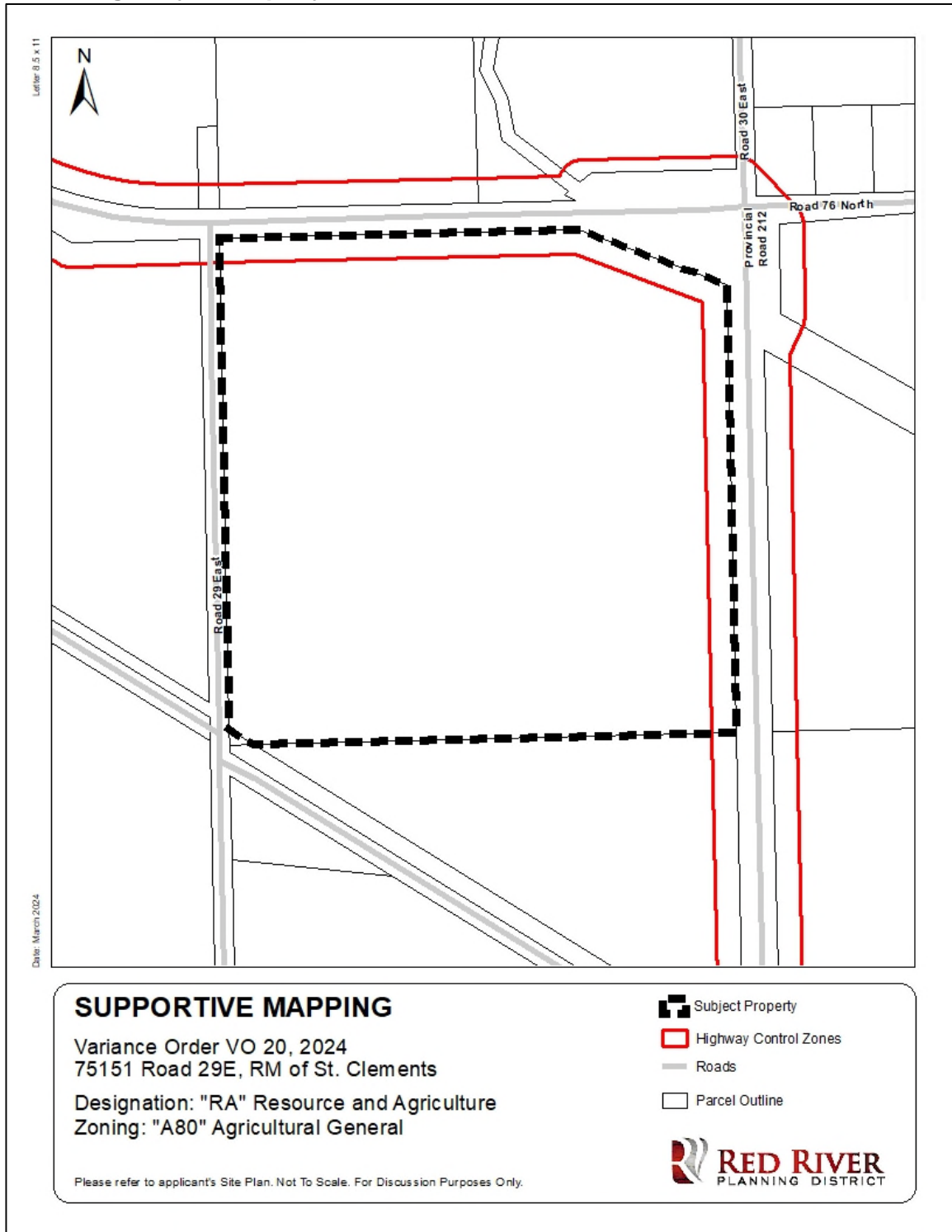
- (a) impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the requirements of clause 97(1)(b); and
- (b) require the owner of the affected property to enter into a development agreement under section 150.

Recommendation:

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

1. That the variances be limited to what is being proposed in this application. Any further changes will require a new variance approval.

LOCATION MAP
Illustrating Subject Property





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

SUPPORTIVE MAPPING

Variance Order VO 20, 2024
75151 Road 29E, RM of St. Clements

Designation: "RA" Resource and Agriculture
Zoning: "A80" Agricultural General

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

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



