

R.M. of St. Andrews  
ZONING BY-LAW 4066  
VARIATION ORDER FILE NO. 22, 2024  
**PUBLIC HEARING**

We are  
Listening.

**Public  
Hearing**  
**Monday,**  
**April 8<sup>th</sup>, 2024**  
**5:30 PM**  
**Council Chambers**  
**500 Railway Ave.**  
**Clandeboye, 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 22, 2024 about?**

This variance application is to reduce the minimum building separation distance from a detached accessory building to a principal building from 10 ft (min) to **5 ft (min)** in the “RR” Rural Residential zone.



**1 Red River Place (Roll No. 6518)**

Planning meetings may be viewed live through the [RM of St. Andrews Youtube Channel](#). In-person and online attendance for the Public Hearing is available. Registration is required only, if you wish to attend online. Please contact the municipal office at 204-738-2264 ext. 137 or [Braeden@rmofstandrews.com](mailto:Braeden@rmofstandrews.com) by 2pm the day of the meeting to register for attendance, speaking to council, providing written comments, whether “for” or “against” or for information regarding the application.

**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”**

**Date:** March 25, 2024  
**File:** VO 22, 2024  
**To:** Council, R.M. of St. Andrews  
**From:** Santan Singh, MCP, Community Planner, Red River Planning District  
**Location:** Lot 18 Plan 14756 WLTO Exc All Mines and minerals in RL 13 to 17  
Parish of St. Andrews  
1 Red River Pl. (Roll No. 6518)

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**Property Zoning:**

"AR" Agricultural Restricted Zone,  
R.M. of St. Andrews Zoning By-Law 4066

Variance Request	Zoning By-Law Requirement	Proposed by Applicant
Separation distance between principal and accessory structure (From the gazebo to the closest point of the attached deck)	10 ft.(min)	5 ft.(min)

**Purpose:**

To reduce the separation distance between the principal building and the accessory structure as per section 3.2.3.1 of the Zoning By-law. A site plan and a letter of intent has been submitted by the applicant/owner, which is attached to this report.

**Background:**

The subject property is situated at the intersection of Red River Place and Settlers Trail. The subject property is currently occupied with a single-family dwelling, attached garage, and proposed attached deck, above ground pool and a gazebo.

The subject property is surrounded from all directions by properties zoned "RR" Rural Residential Zone.

**Circulation:**

The application was circulated to the RM of St. Andrews administration. The comments received are below:

- The RM does not have any comments or conditions for the noted variance application VO 22, 2024.

**Analysis:**

As per section 3.2.1 of the Zoning By-law Where an accessory structure is attached to the main / principal building on a site by a roof, an open or enclosed structure, a floor; except a slab on grade or a foundation, it is to be considered as part of the main / principal building and shall be subject to the bulk regulations for main / principal buildings. The existing deck is attached to the principal dwelling, therefore is considered to be part of the principal structure.

Section 3.2.3.1. of the zoning by-law states that *Building Separation from Principal Building Detached accessory buildings, excluding detached decks, above ground pools and hot tubs, shall be located a minimum of 3.048 m (10 ft.) clear of all projections from the principal building (BL 4280)*. The distance from the attached deck to the gazebo is 5 ft. (minimum), measured from the closet point of the deck steps.

The following information is for Council's consideration:

- It is crucial to note that if this variance is approved, it will ensure that the existing structures comply with the separation distance requirements of the zoning By-law.
- As per the MMO, there is a 224 sq. ft. wood frame gazebo on the property, built in 2010. However, the applicant has identified a 12 ft. x 16 ft. (192 sq. ft.) wooden gazebo in their site plan. RRPD notes that there are no records of a permit for this accessory structure. Therefore, if this variance is approved, the applicant must either provide proof of the permit obtained or obtain all the required permits to bring the accessory structure into compliance.
- This application was circulated to the R.M. of St. Andrews and the RM administration did not have any comments or conditions for 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:**

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.
2. That the applicant obtain all the required permits from RRPD and the RM of St. Andrews.

# **LOCATION MAP** **Illustrating Subject Property**



## **SUPPORTIVE MAPPING**

Variance Order VO 22, 2024  
 1 Red River Place, RM of St. Andrews

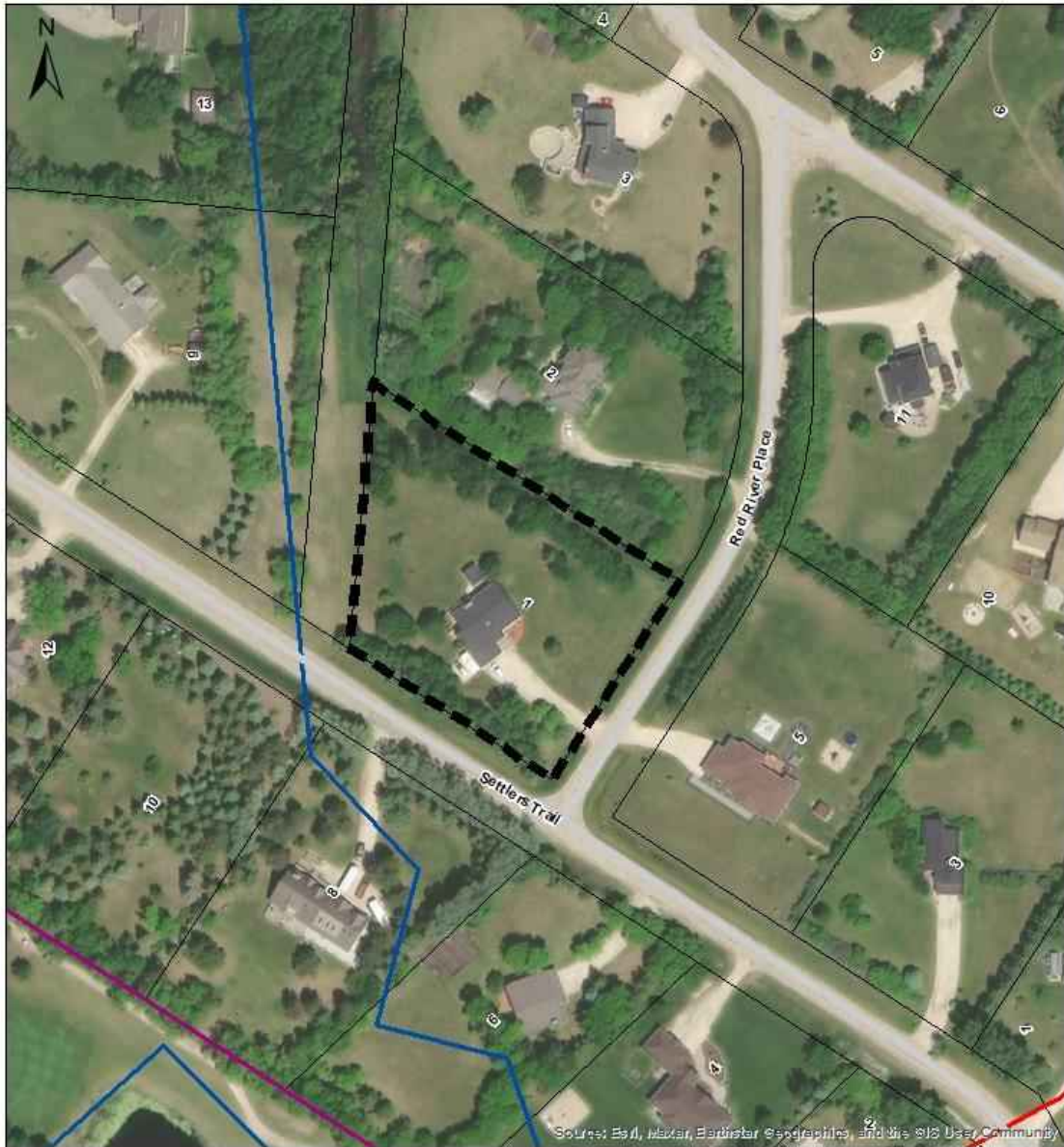
Designation: "GD" General Development  
 Zoning: "RR" Rural Residential

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

- Subject Property
- Designated Flood Area
- Parcel Outline
- Highway Control Zones
- Roads



Letter: 8.5 x 11



Date: March 2024

## SUPPORTIVE MAPPING

Variance Order VO 22, 2024

1 Red River Place, RM of St. Andrews

Designation: "GD" General Development

Zoning: "RR" Rural Residential

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

- Subject Property
- Designated Flood Area
- Parcel Outline
- Highway Control Zones
- Roads



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



## Letter of Intent


February 16, 2024

To who it may concern,

I, Ross Hallett, the property owner of 1 Red River Place, St. Andrews would like to vary the required separation distance of 10 ft. from gazebo to the edge of the deck to 5 ft.

Regards,

Ross Hallett





**ANDRE VAN DE WALLE**  
Land Surveys



**BUILDING LOCATION CERTIFICATE**

TO: [REDACTED]

Re: 1 Red River Place, St. Andrews

Date of Search: August 13, 2009

Certificate of Title No. [REDACTED]

Registered Owner(s): Hella Maria Bergantin and Paulo Manuel Bergantin

Legal Description: [REDACTED]

**ENCUMBRANCES:**

[REDACTED]  
are registered against the above Certificate of Title. Encumbrances noted herein are provided for information purposes only and have not been investigated as to their intent or extent.

As requested, measurements have been made to determine the position of a bi-level stucco dwelling, numbered 1, on the West side of Red River Place, in the Rural Municipality of St. Andrews, Manitoba. Above ground level, this building is contained entirely within the limits described.

The above ground pool is contained entirely within the limits described.

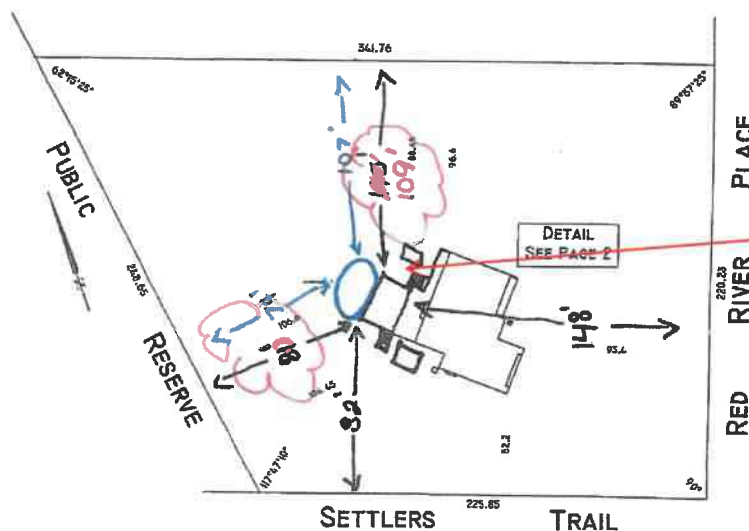
There are no encroachments onto the above described property above ground level by buildings from adjoining properties.

This survey was performed on the 28th day of August, 2009.

Signed and sealed this 1st day of September, 2009.

NOTE: INSTALLATION OF SURVEY MONUMENTS AT PROPERTY CORNERS WAS NOT REQUESTED FOR THIS SURVEY.

**SKETCH**

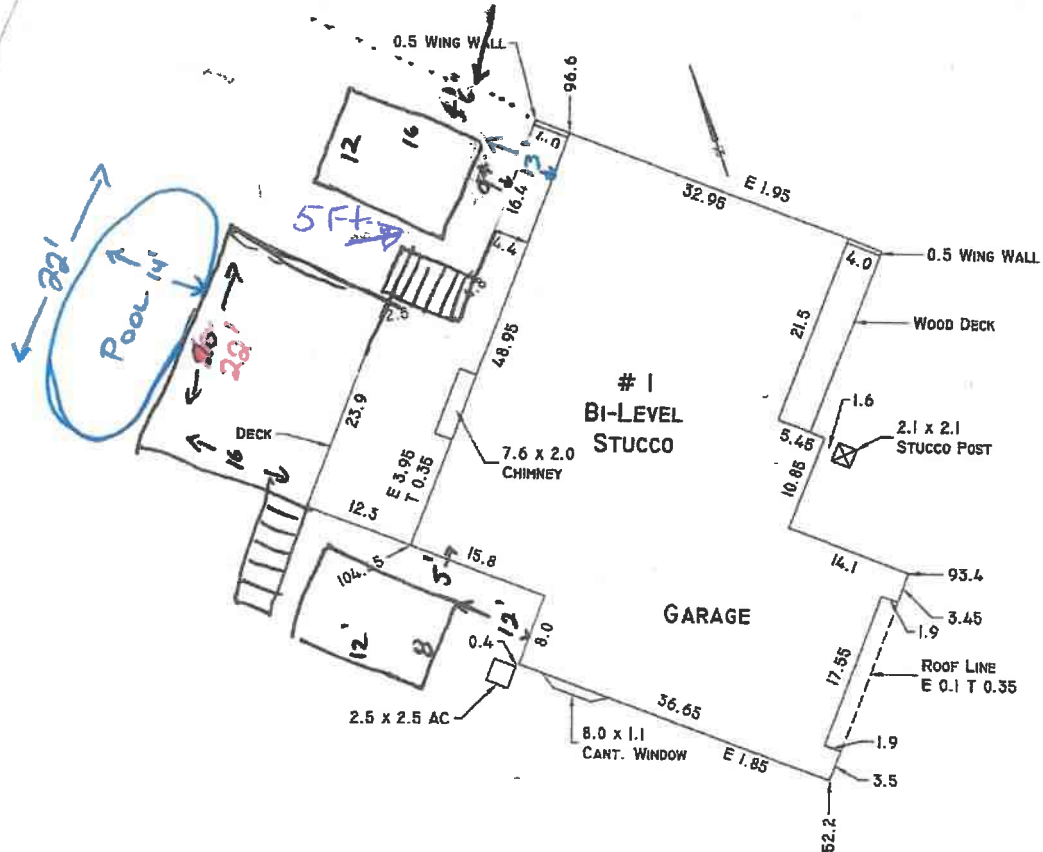


Separation to  
closest point of  
deck steps - 5 ft.

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IMPERIAL

**ANDRE VAN DE WALLE**  
Land Surveys



Signed and sealed this 1st day of September, 2009.

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IMPERIAL

**OTHER INFO**

(Government Comments, other relevant information)

## Santan Singh

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**From:** Braeden <Braeden@rmofstandrews.com>  
**Sent:** March 20, 2024 12:50 PM  
**To:** Calvin So  
**Cc:** Santan Singh  
**Subject:** RE: Variance Application VO 22, 2024

Good Afternoon Calvin,

The RM does not have any comments or conditions for the noted variance application VO 22, 2024.

Best Regards,



**Braeden Bennett, B.Tech (CM)**  
**Planning & Economic Development Officer**  
**R.M. of St. Andrews**  
Box 130 | 500 Railway Avenue | Clandeboye, MB | R0C 0C0  
Phone: (204) 738-2264 (Ext. 137)  
Fax: (204) 738-2500 | [www.rmofstandrews.com](http://www.rmofstandrews.com)

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**From:** Calvin So <calvin@rrpd.ca>  
**Sent:** March 8, 2024 1:46 PM  
**To:** Braeden <Braeden@rmofstandrews.com>  
**Cc:** Santan Singh <santan@rrpd.ca>  
**Subject:** Variance Application VO 22, 2024

Good Afternoon,

Attached is the Variance application VO 22, 2024 in the RM of St. Andrews for your review and comments. The Public hearing will be scheduled on April 9<sup>th</sup> 2024, so please get us the comments by March 26<sup>th</sup> 2024.

Thanks,



**Calvin So, M.C.P.**  
**Community Planning Assistant**  
**Red River Planning District**

2978 Birds Hill Rd. East St. Paul, MB R2E 1J5  
Tel: 204-669-8880 Fax: 204-669-8882  
[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**

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