

R.M. of St. Clements
ZONING BY-LAW 5-2002
VARIATION ORDER FILE NO. 29, 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

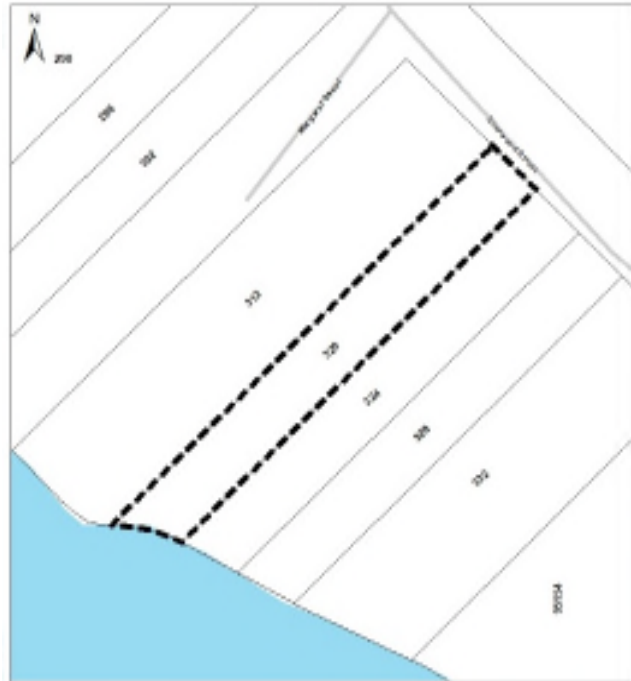
Phone:
(204) 669-8880
1-800-876-5831
Fax:
(204) 669-8882
E-Mail:
info@rrpd.ca

Website:
redriverplanning.com



What is VO 29, 2024 about?

This variance application is to reduce the minimum side yard and building projections in the "SR" Seasonal Residential zone to allow a house wall to be 6 ft from the side lot line, and the and eave to be 4.16 ft from the side lot line.



320 Sherwood Street (Roll #666700)

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: April 30, 2024
File: **VO 29, 2024**
To: Council, R.M. of St. Clements
From: Derek Eno, MCIP, RPP
Location: Pt. Lot 3, Block 10, Plan 3661
320 Sherwood Street (Roll No. 666700)

Property Zoning:

"SR" Seasonal Residential Zone
R.M. of St. Clements Zoning By-Law 5-2002

Variance Request	Zoning By-Law Requirement	Proposed by Applicant
Side yard (main)	10 ft (min)	6 ft (min)
Eave Projection (main)	3ft. projection (max.) 7 ft. from property line	50 in. (4.16 ft.) from property line

Purpose:

This Variance application proposes to reduce the side yard setback for a principal dwelling (wall) from 10 ft (min) to 6 ft (min). Relatedly, and as a result of the reduce side yard, a variance for the overhang and eave projection is also required as the applicant is proposing a 16 in. overhand with a 6 in. eave (total projection = 22 in.).

A site plan and letter of intent were provided by the applicant, which is attached to this report.

Background:

The subject property is 0.48 acres in size and located along Sherwood Street in the Gull Lake area. Currently the property contains a dwelling, boat house, detached garage, and a detached tool shed and garden shed. Note: variance application VO 179/14 was approved by Council in 2014 which allows this increased number of accessory buildings.

The applicant proposes to construct a new cottage, to replace the existing one, and this variance would facilitate that new construction.

The subject property is surrounded by as follows:

To the North: Residential properties zoned "SR" Seasonal Residential.

To the South: Residential properties zoned “SR” Seasonal Residential.

To the West: Gull Lake

To the East: Sherwood Street, then undeveloped land zoned “A80” Agricultural General.

Analysis:

The applicant is requesting a Variance to reduce the side yard (north) setback from 10 ft to 6 ft., in order to facilitate the construction of new cottage, which would replace the current cottage on the property. Relatedly, a variance for the overhang and eave projection is also required along the same side of the house. The applicant suggest, through their letter, that the proposed placement of the new house would help retain an existing tree line and maintain views of the lake.

The subject property is zoned “SR” *Seasonal Residential* in the Zoning By-Law and “R” *Resort* in the Development Plan.

The following information is for Council’s consideration:

- The side yard setback and projection requirements for a principal dwelling as proposed does not comply with the St. Clements Zoning By-Law 5-2002, “SR” Seasonal Residential zone.
- The applicant has indicated that the proposed cottage would be in a similar location as the current cottage.
- Given the width of the subject property (+/- 50 feet) Council should consider whether the proposed side yard setback is compatible with the general nature of the area.
- The application was circulated to the R.M. of St. Clements, and Public Works is recommending a drainage plan to ensure there are no adverse impacts to neighbouring properties. The drainage plan would be reviewed and accepted by the municipality.

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:

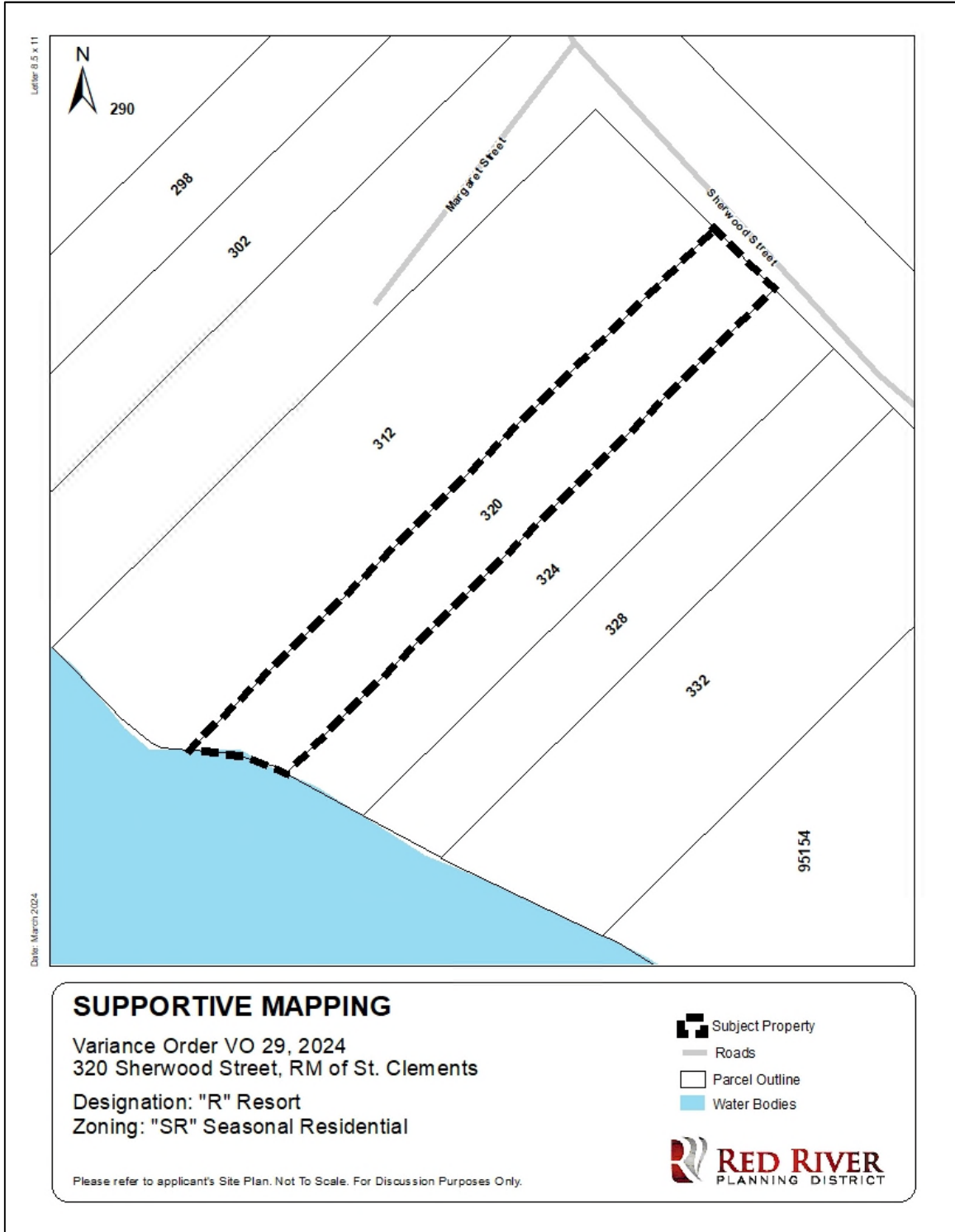
- (a) impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the requirements of clause 97(1)(b); and
- (b) require the owner of the affected property to enter into a development agreement under section 150.

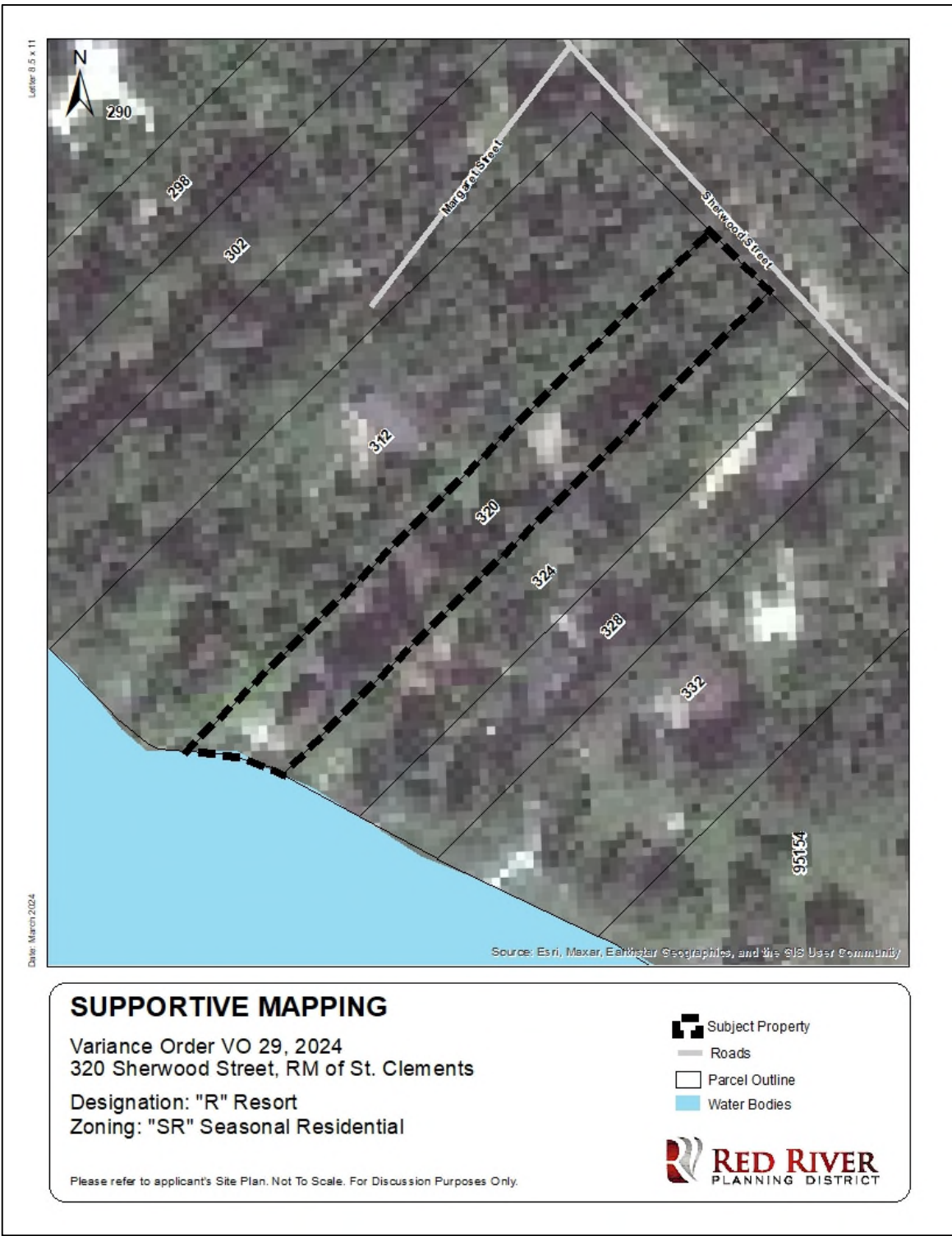
Recommendation:

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. Applicant/owner obtain all the required permits from the Red River Planning District and the R.M. of St. Clements, if applicable.
3. Applicant/owner prepare a drainage plan, ensuring there are no negative impacts on neighboring properties, and provide it to the RM of St. Clements for review and approval.

LOCATION MAP
Illustrating Subject Property








Letter 8.5 x 11

Date: March 2024

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

SUPPORTIVE MAPPING

Variance Order VO 29, 2024
 320 Sherwood Street, RM of St. Clements
 Designation: "R" Resort
 Zoning: "SR" Seasonal Residential

-  Subject Property
-  Roads
-  Parcel Outline
-  Water Bodies



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

**INFO PROVIDE BY APPLICANT
(Site Plan, Letter, etc.)**

March 2024

To Whom it May Concern,

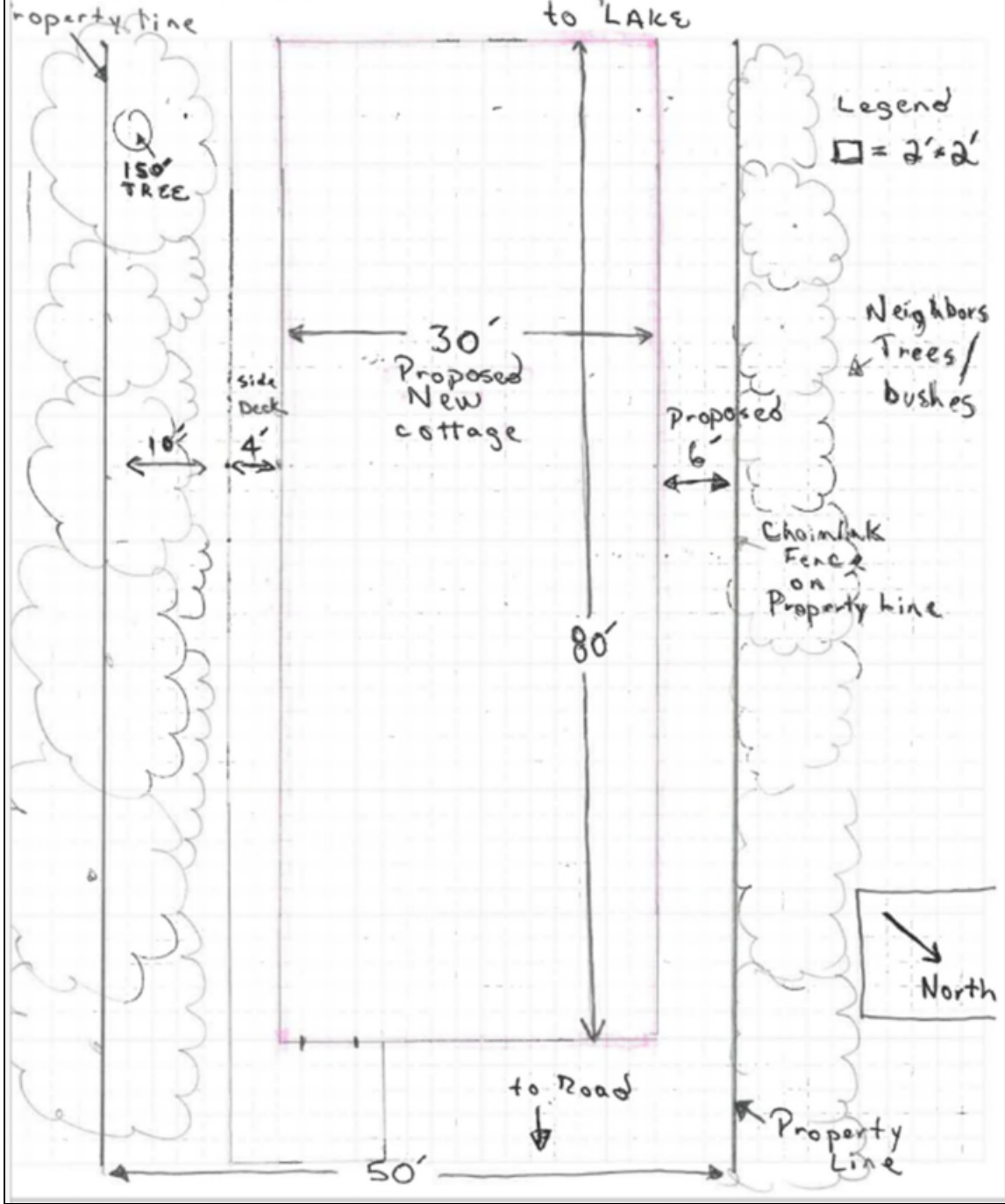
We are planning to rebuild our residence at 320 Sherwood Street, Gull Lake, Mb. We are applying for a 6ft. side yard variance on the Northwest side of our lot. The reason for this variance is to rebuild our new cottage in the same location, as well as retaining a tree line on the other side of our property. Considering where our location of the cottage is right now, the sight line passes our boathouse to have a better view of the lake.

Thank you.
Duane and Tanya Stepic



185 Dawson Road, Winnipeg, MB R2J 0S6
Office (204) 958-6333 Fax (204) 233-5644

Project	320 Sherwood St.		
Project No.		Date	MARCH 2024
Prepared by		Sheet No.	of





185 Dawson Road, Winnipeg, MB R2J 0S6
Office (204) 958-6333 Fax (204) 233-5644

Project	Cottage Rebuild	
Project No.	320 Sherwood	Date MARCH 2024
Prepared by	Sheet No.	of

GULL LAKE WATER

Legend
 □ 10'x10'
 scale.
 Lot size
 50'x415'

