

R.M. of St. Clements
ZONING BY-LAW 5-2002
VARIATION ORDER FILE NO. 30, 2024

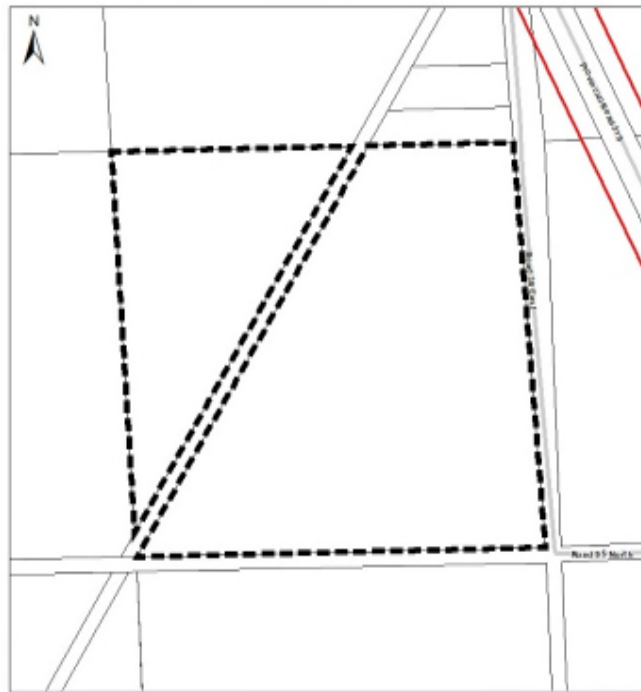
PUBLIC HEARING

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

We are
Listening.

What is VO 30, 2024 about?

This variance application is to increase the maximum height for an accessory structure from 15 ft (max) to **25 ft (max)** in the "RT" Recreational Tourism zone.



95078 Road 38E (Roll #638000)

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"

**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:

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2978 Birds Hill Rd.
East St. Paul, MB R2E 1J5
Toll Free: 800-876-5831
Phone: 204-669-8880
Fax: 204-669-8882

Date: May 23, 2024
File: VO 30, 2024
To: Council, R.M. of St. Clements
From: Derek Eno, MCIP, RPP
Location: Pt. SE 32-16-7E
95078 Road 38E (Roll #638000)

Property Zoning:
"RT" Recreational Tourism Zone
R.M. of St. Clements Zoning By-Law 5-2002

Variance Request	Zoning By-Law Requirement	Proposed by Applicant
Maximum height (accessory building)	15 ft (max)	25 ft (max)

Purpose:

This Variance application proposes to increase the maximum height for an accessory building from 15 ft (max) to **25 ft (max)**. The variance would facilitate the applicants intent to construct a two-storey accessory building with a 1,200 sq.ft. (30ft. x 40ft.) footprint. The applicant notes, in their letter, that constructing a two-storey building would provide them cost savings. They further note that the proposed building would be used by their family for activities such as a music area, exercise equipment, crafting area, and children’s play area.

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

Background:

The subject property is 153 acres (+/-) in size and located on Road 38 East near PR 319 in the Beaconia area. Currently the property contains a dwelling and multiple accessory structures located in the northeast corner of the property. Note that there is no limits on the number of accessory buildings in the "RT" Recreational Tourism zone.

The subject property is surrounded by as follows:

To the North: Residential homes on properties zoned "CR" Commercial Recreation.

To the South: Undeveloped land zoned "RT" Recreational Tourism.

To the West: Undeveloped land zoned "RT" Recreational Tourism.

To the East: Road 38E, followed by undeveloped land zoned "A80" Agricultural General.

Analysis:

The applicant is requesting a Variance to increase the maximum height for an accessory building from 15 ft to 25 ft, in order to allow for construction of a two-storey accessory building with a 1,200 sq.ft. footprint.

The subject property is zoned “RT” *Recreational Tourism* in the Zoning By-Law and “RA” *Resource and Agriculture* in the Development Plan.

The following information is for Council’s consideration:

- The maximum height requirements for an accessory structure as proposed does not comply with the St. Clements Zoning By-Law 5-2002, “RT” Recreational Tourism zone.
- The “RT” Recreational Tourism zone has no limit on the number of accessory building that are permitted on a property.
- The applicant has indicated that the proposed accessory building would be for family recreation use.
- The application was circulated to the R.M. of St. Clements, and they have no concerns with the proposed Variance.

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.

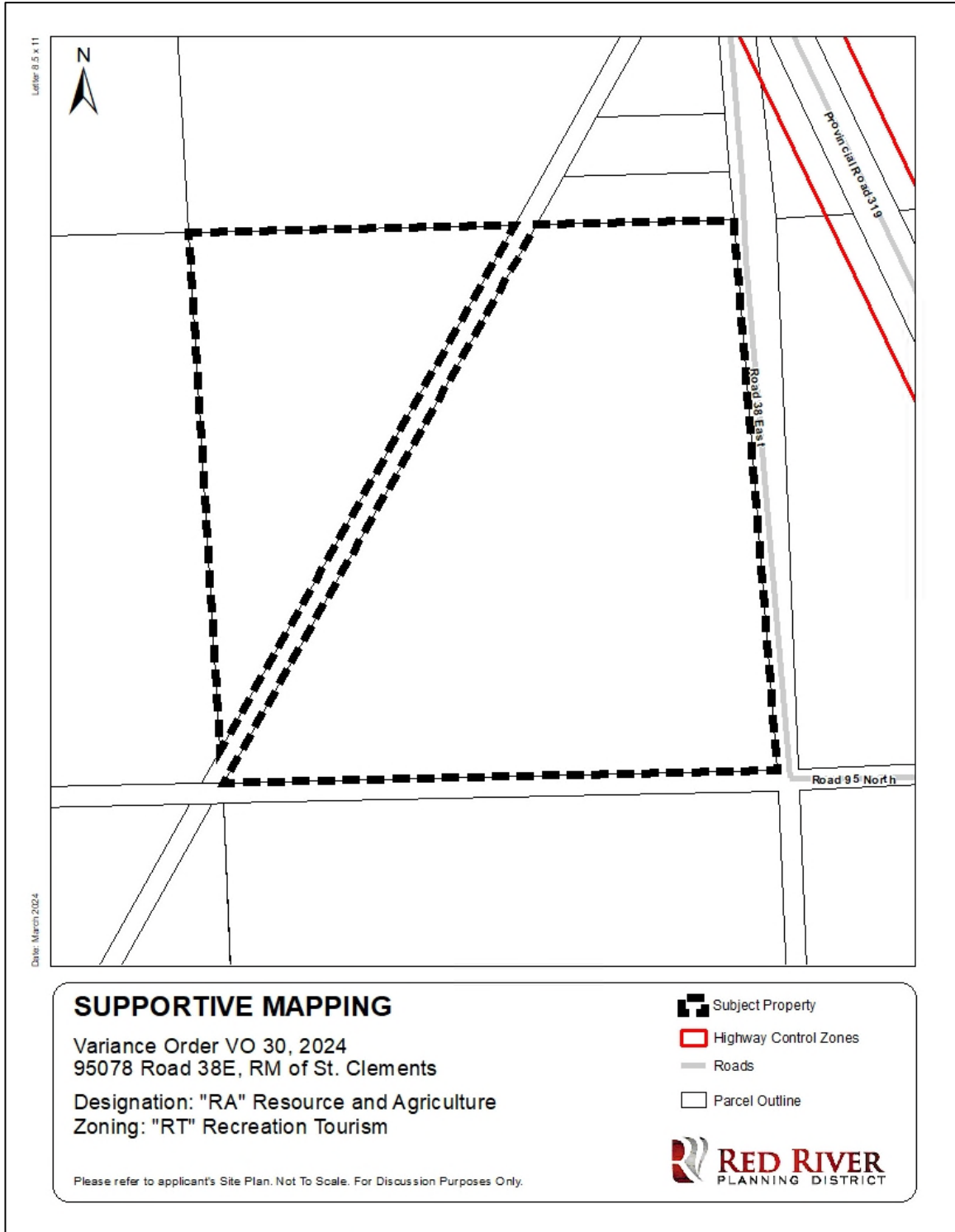
Recommendation:

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.

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 30, 2024
95078 Road 38E, RM of St. Clements

Designation: "RA" Resource and Agriculture
Zoning: "RT" Recreation Tourism

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

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



INFO PROVIDED BY APPLICANT
(Site Plan, Letter, etc.)

Request for variance on mean height restriction from 15 feet to 25 feet

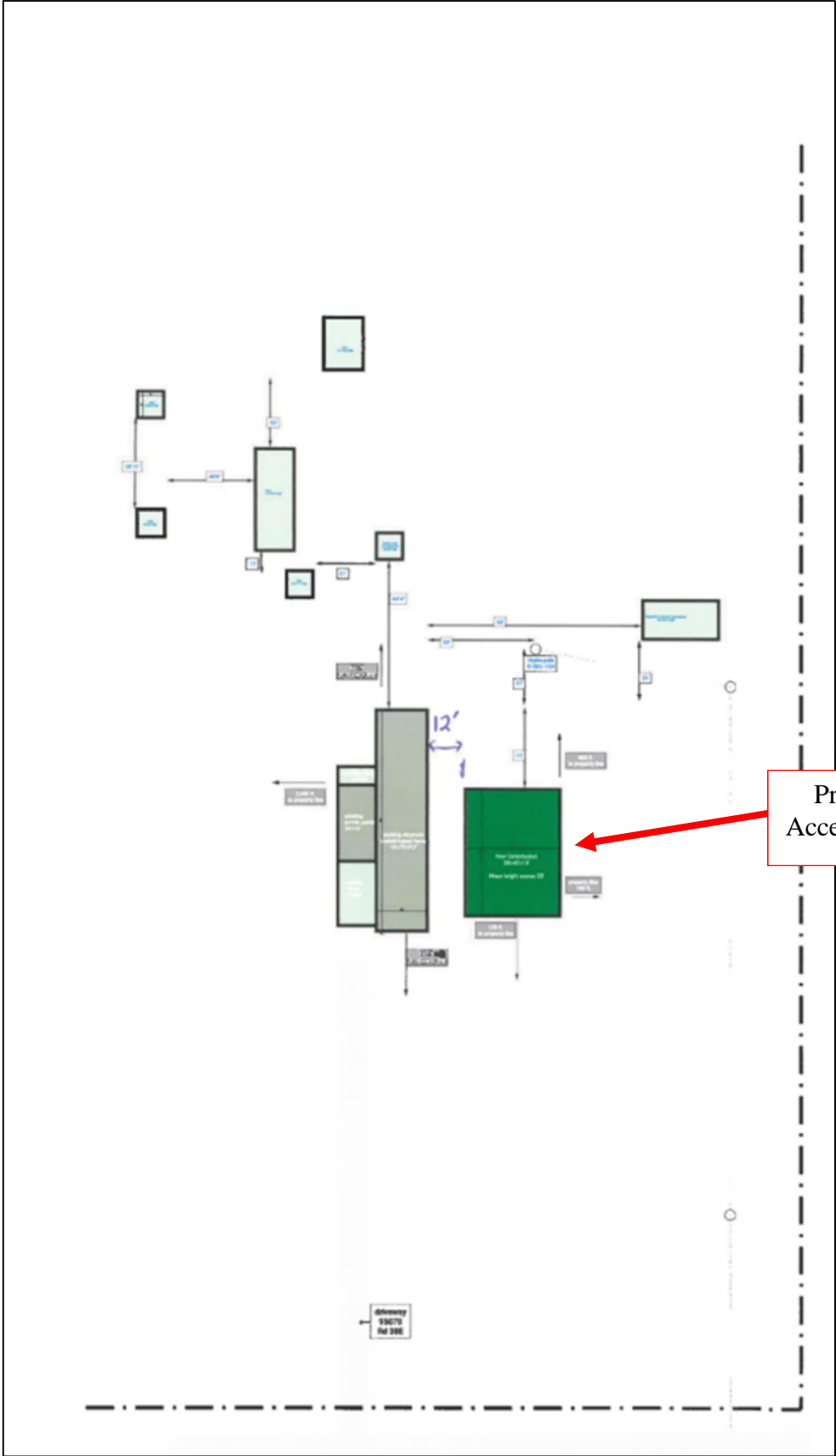
I would like to construct a 2 story 30' x 40' accessory building.

The property is 153 acres zoned RT with a mean height restriction of 15 feet on accessory buildings.

Due to the significant cost savings of a 2 story construction, I would like to make a 2 story building with approximately 23 feet mean height, but for simplicity would like to request 25 feet.

The use of the building will be for general family use for my family of 6, such as a music area, exercise equipment, crafting area, children's play area, etc.

Thank you,
Ian Heartfield



Proposed New
Accessory Building