

NOTICE OF PUBLIC HEARING

VARIANCE APPLICATION

R.M. of East St. Paul

Under authority of *The Planning Act*, the municipal Council will hold a public hearing at the time and location listed below to hear from those who wish to speak in support or objection, or to ask questions. For more info on how to register for the public hearing please contact the municipality at 204-668-8112.

Tuesday
May 27th, 2025
5:30 pm

Council Chambers
RM of East St. Paul
3021 Birds Hill Rd.

Note: property owners are responsible for notifying "tenants"

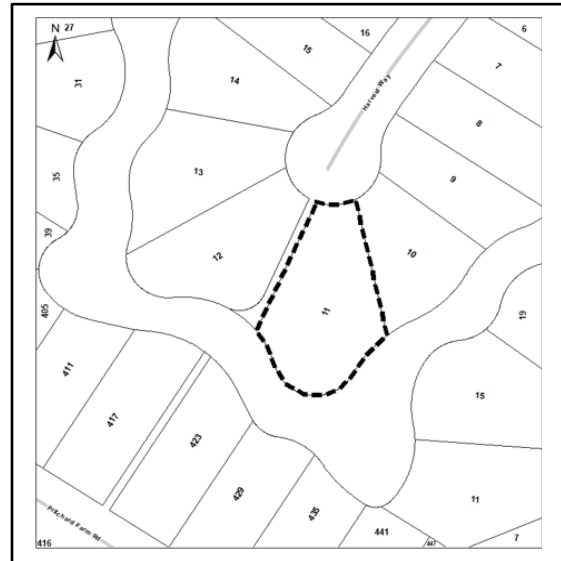
APPLICATION INFORMATION

Application File: VO 38, 2025

Applicant: Silver Stone Landscaping
(Kyle Thibeault)

Property Location: 11 Harvest Way,
R.M. of East St. Paul
Roll #5415
Lot 18, Block 8, Plan
34864

Application Purpose:
The applicant proposes to reduce setback
from stormwater retention area to accessory
structure on the subject property.



Variance Request	Zoning By-law Requirement	Proposed by Applicant
Rear setback distance from stormwater retention area to accessory structure Section 66.15(b)	75 ft (min)	21 ft (min)

A copy of the above-noted proposal and supporting material is available on the Red River Planning District website at <https://www.redriverplanning.com/hearings.php> or by contacting the Red River Planning District in person during normal business hours Monday to Friday at 2978 Birds Hill Road, East St. Paul, by phone at 204 669-8880, or by email at info@rrpd.ca

VARIANCE APPLICATION REPORT

Date	May 5 th , 2025
Application File	VO 38, 2025
Applicant	Silver Stone Landscaping (Kyle Thibeault)

SUBJECT PROPERTY INFORMATION

Property Location - Street Address - Roll # - Legal	11 Harvest Way, R.M. of East St. Paul Roll #5415 Lot 18, Block 8, Plan 34864
Zoning	"R1-17" Single Housing Dwelling Zone RM of East St. Paul, Zoning By-law No. 2009-04
Development Plan Designation	"SC" – Settlement Centre Designation RRPD Development Plan By-law No. 272/19
Secondary Plan Designation	N/A
Property Size	0.56 acres in site area ±58 feet in site width <i>NOTE: Information is based on GIS data</i>

APPLICATION DETAILS / PROPOSAL

Variance Request	Zoning By-law Requirement	Proposed by Applicant
Rear setback distance from stormwater retention area to accessory structure Section 66.15(b)	75 ft (min)	21 ft (min)

Application Purpose

The applicant proposes to reduce setback from stormwater retention area to accessory structure on the subject property. RM's comments:

CAO: The minimum 75-foot setback from the retention pond is in place to protect properties in the event of a flood.

Reducing this setback to 21 feet introduces a risk, and the property owner should be made aware that the RM will not assume responsibility for any damages to structures located outside the parameters set by the zoning by-law.

Operations Manager: N/A

Planning: I have reviewed the variance application and if approved, the RM will not be held liable for any damages to the structure from the pond reaching high water levels.

Project Manager: In the event of high water levels, there is a potential for the accessory structure to be impacted at a 21-foot setback. Furthermore, locating a structure in close proximity to the waterline may raise concerns regarding slope stability

Fire Department: The fire department has no concerns as there is no impact on the delivery of fire or EMS services.

OPTIONS FOR COUNCILS CONSIDERATION

Under section 97(1) of the *Planning Act*, on completion of the public hearing, Council may:

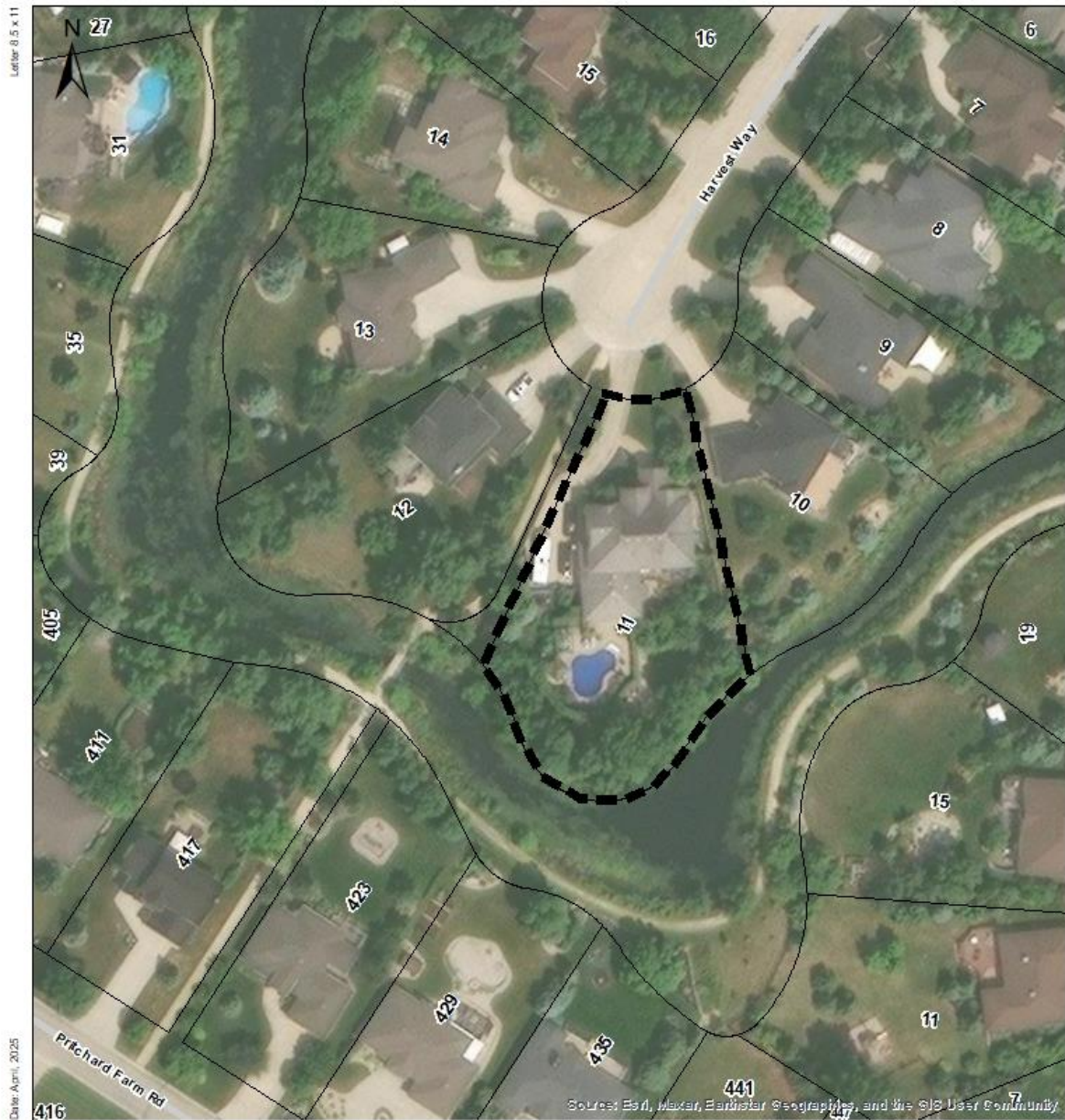
- (a) reject the requested variance; or
- (b) varying the application of specific provisions of the zoning by-law with regard to the affected property in the manner specified in the order if the variance
 - (i) will be compatible with the general nature of the surrounding area,
 - (ii) will not be detrimental 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.

RECOMMENDED CONDITIONS OF APPROVAL

Should Council approve the requested zoning variances, the following conditions are recommended:

1. This variance is limited to what has been presented in this application. Any further changes, replacement or additions would require a new variance approval.
2. Applicant / owner obtains all required permits from the Red River Planning District, the Province and the municipality, if required.

RRPD LOCATION MAP



SUPPORTIVE MAPPING


Variance Order VO 38, 2025
11 Harvest Way, RM of East St. Paul

Designation: "SC" Settlement Centre
Zoning: "R1-17" Single Housing Dwelling

Terms of Use/Disclaimer: All information is for display and estimate purposes only and is provided "as-is", the accuracy of information contained cannot be guaranteed and is in no way a legal representation of the municipality.

 Subject Property

 Roads

 Parcel Outline

 **RED RIVER**
PLANNING DISTRICT

ADDITIONAL INFORMATION:





SILVER STONE LANDSCAPING

Date: April 23, 2025

Silver Stone Landscaping Inc.
4 Timberwood Place
East St. Paul, MB
R2E 0M4

Phone: 204-471-4706
Email: kyle@silverstonelandscaping.ca

To: Red River Planning Department

RE: 11 Harvest Way
East St. Paul

Letter of Intent for Zoning Variance

I, Kyle Thibault from Silver Stone Landscaping am submitting this letter of intent requesting a variance for the above address to seek relief of the required rear yard setback. For the reasons detailed below, the proposed reduction of the rear yard setback would allow the property owner to construct a pergola that would be in character with the surrounding homes along Harvest Way and East St. Paul.

1. The Property is a unique shape, making it impossible to meet the zoning requirement of 75ft from the back property line for accessory structures. Due to the placement and size of the dwelling, as well as the shape of the property the required rear yard set back of 75ft for an accessory structure is not achievable. This would deprive the existing property owners of the rights and privileges currently enjoyed by other property owners in the same zoning district. We are requesting a reduction in the required rear setback to 21ft for the accessory structure/pergola.
2. Granting of the variance would have no effect on adjoining properties. All other required setbacks are being satisfied. This zoning relief request will not be detrimental to the common good, and strict adherence to the zoning requirements would cause unnecessary hardship to the current property owners and their young family.
3. The proposed structure would have no negative effect on the retention pond. It should also be noted that there is approximately an additional 20ft buffer/easement consisting of a green space extending from the back from the back property line to the retention pond. This would mean that the proposed pergola would be built approximately 41ft from the retention pond.
4. The proposed structure would be at an elevation as high or slightly higher than the existing pool. This elevation would have been determined to be acceptable by the development/RM of East St. Paul prior to the construction of the house and pool.

Therefore the proposed pergola would not be at risk of flood damage from potential flooding.

5. The requested variance would be consistent with the characteristics of the neighbourhood and surrounding homes. Several properties around Harvest Way have structures closer than 75ft to the rear property line.
6. Other configurations and placements of the accessory structure/pergola within the yard would be less ideal and require an even greater variance to the rear yard. Relocating the pergola to the east side (opposite side) of the property would make it subject to potential flood damage since this side of the yard is at a much lower elevation.
7. Relocating the proposed pergola to the east side of the property would cause significantly more damage to the existing yard and would result in an unnecessary financial burden on the homeowners to have it repaired. Building the pergola in the proposed location would allow us to access this area off of the existing driveway minimizing collateral damage from construction.

In conclusion the proposed placement and orientation of the pergola is the best possible scenario with the least amount of damage done and variance required.

Thank you for your consideration.

Kyle Thibeault
President
Silver Stone Landscaping Inc.