

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 26, 2026
5:30 PM

Council Chambers
3021 Birds Hill Road
RM of East St. Paul, MB

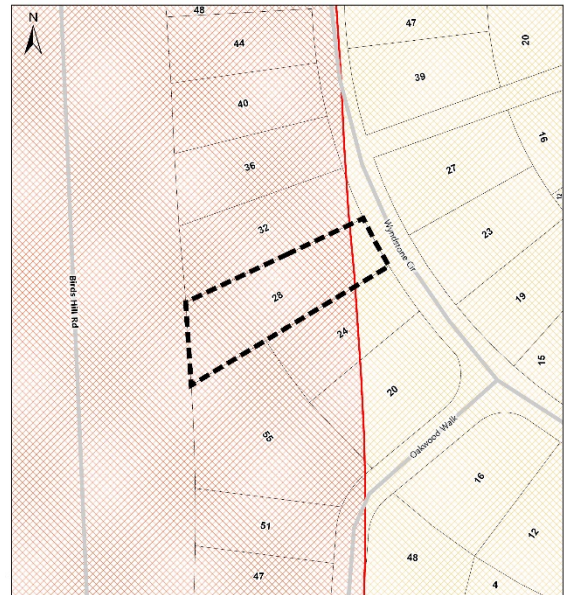
Note: property owners are responsible for notifying "tenants"

APPLICATION INFORMATION

Application File: VO 42, 2026

Applicant: Barnes and Duncan

Property Location: 28 Wyndstone Circle
 Roll #76352.6
 Lot 24, Plan 36349



Application Purpose:

- The applicant proposes to reduce the minimum:
- North separation between two residential buildings from 10 to **5.22 ft**
 - North separation space between dwelling unit and condominium unit line from 5 to **2.36 ft**
 - South separation between two residential buildings from 10 to **7.71 ft**
 - South separation space between dwelling unit and condominium unit line from 5 to **2.62 ft.**

Variance Request	Zoning By-law Requirement	Proposed by Applicant
Separation distance	10 ft (between two residential buildings) 5 ft (dwelling unit to condo unit line)	5.22 ft (north – residential buildings) 2.36 ft (north – dwelling to condo unit line) 7.71 ft (south – residential buildings) 2.62 ft (south – dwelling to condo unit line)

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 6, 2026
Application File	VO 42, 2026
Applicant	Barnes and Duncan

SUBJECT PROPERTY INFORMATION

Property Location	
- Street Address	28 Wyndstone Circle
- Roll #	76352.6
- Legal	Lot 24, Plan 36349
Zoning	“RC” Comprehensive Residential RM of East St. Paul Zoning By-law 2009-04
Development Plan Designation	“SC” Settlement Centre designation RRPD Development Plan By-law No. 272/19
Secondary Plan Designation	N/A
Property Size	7,520 square feet in area 39.9 feet in width (+/-)
	<i>NOTE: Information is based on GIS data</i>

APPLICATION DETAILS / PROPOSAL

Variance Request	Zoning By-law Requirement	Proposed by Applicant
Separation distance	10 ft (between two residential buildings) 5 ft (dwelling unit to condo unit line)	5.22 ft (north – residential buildings) 2.36 ft (north – dwelling to condo unit line) 7.71 ft (south – residential buildings) 2.62 ft (south – dwelling to condo unit line)

Application Purpose

The applicant proposes to rebuild the house that was destroyed by a fire in 2024. While the original dwelling was confirmed to be built in compliance, the current zoning bylaws do not allow for the same build without applying for Variances to address setback and separation space issues.

28 Wyndstone Circle is located in the Country Villas condominium development, where the neighbourhood is zoned “RC” Comprehensive Residential. Section 14.6 of the East St. Paul Zoning By-

Law provides minimum separation distances between the dwelling unit and the condominium unit line, and between two dwelling units.

This application was circulated to the RM of East St. Paul and Manitoba Highways Branch. There were generally no concerns, however the municipality's Project Manager notes the reduced setbacks may limit drainage and maintenance access, and the applicant should confirm that drainage can be accommodated within the proposed side yards and that roof runoff will not impact adjacent units.

OPTIONS FOR COUNCILS CONSIDERATION

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

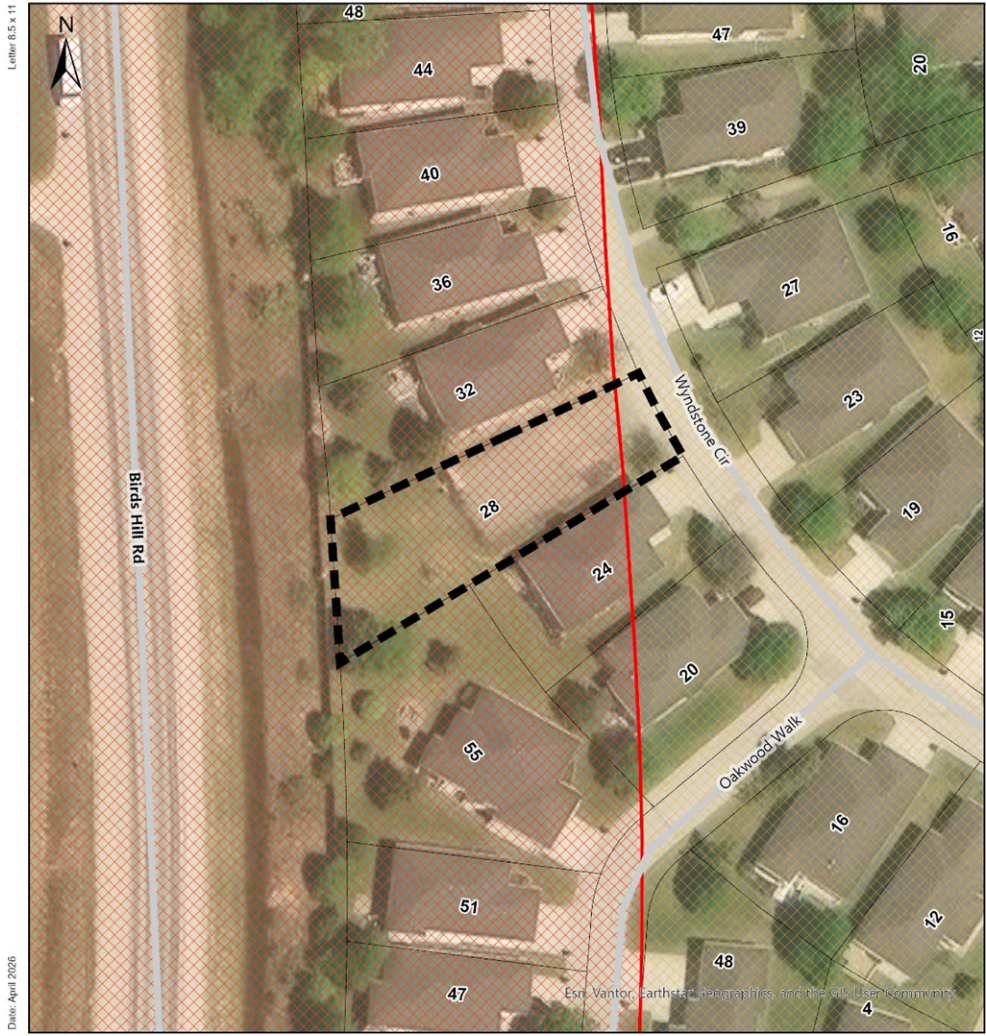
- (a) reject the requested variance; or
- (b) varying the application of specific provisions of the zoning by-law with regard to the affected property in the manner specified in the order if the variance
 - (i) will be compatible with the general nature of the surrounding area,
 - (ii) will not be detrimental 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 that are not in substantial conformance with the application would require a new approval;
2. Applicant / owner obtains all required permits from the Red River Planning District and the municipality, if required.

RRPD LOCATION MAP



Letter: 8.5 x 11

Date: April 2026

SUPPORTIVE MAPPING

Variance Order VO 42, 2026
 28 Wyndstone Circle, RM of East St. Paul

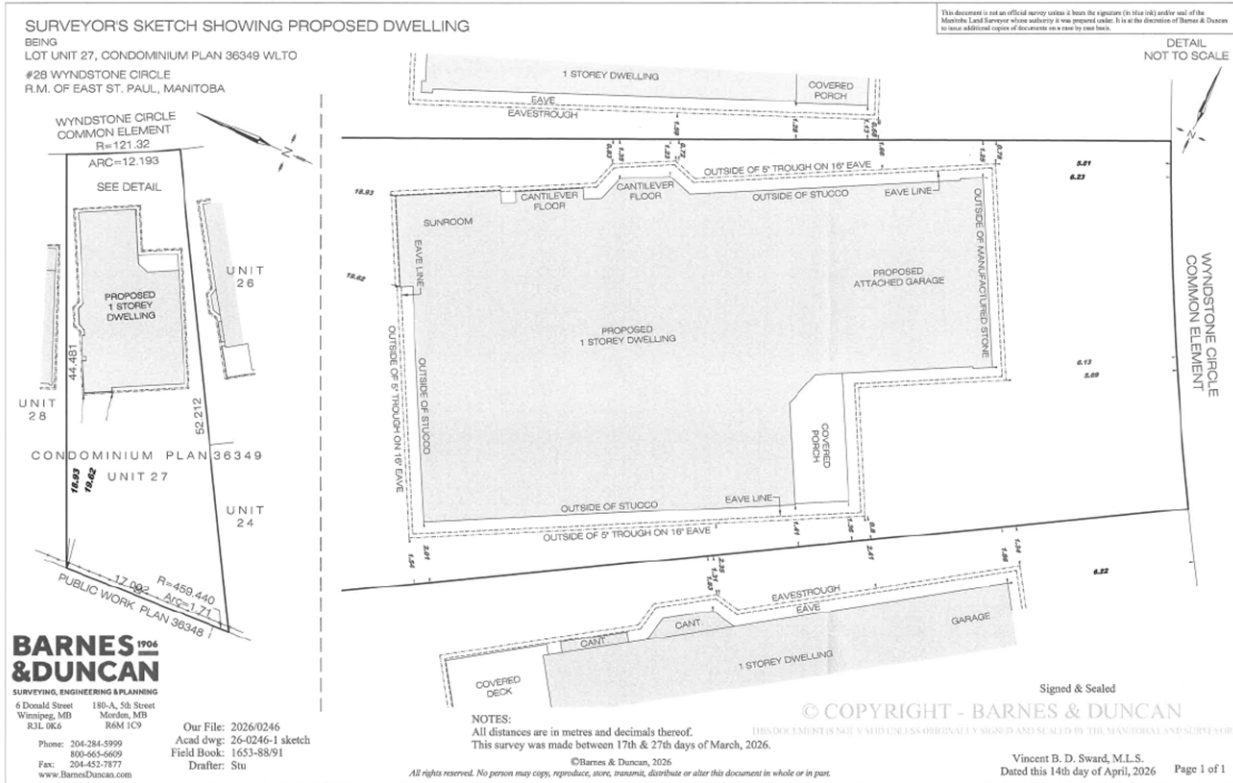
Designation: "SC" Settlement Centre
 Zoning: "RC" Comprehensive Residential

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. Map content is not to scale.

-  Subject Property
-  Highway Control Zones
-  Roads
-  Hazard Lands - Airport
-  Parcel Outline



ADDITIONAL INFORMATION – SITE PLAN



ADDITIONAL INFORMATION – LETTER OF INTENT

Description

- **Application Type:** Variance Application
- **Municipal Address:** 28 Wyndstone Circle
- **Legal Description:** Unit 27 PL 36349 WLTO
- **Current Zoning:** RC - Comprehensive Residential Zone
- **Existing Use:** Single-Family Dwelling (destroyed by fire)
- **Surrounding Land Uses:**
 - **North/East/South:** similar detached bungalow-style dwellings and common element within condo corporation development
 - **West:** Bird's Hill Road, freehold title single family dwellings

Historical Development

The Subject Property is registered as the Country Villas Condominium Corporation; the Plan of Bare Land Condominium being registered with land titles on October 7, 1998 under Plan 36349 WLTO. The related amending by-law 97-5 ("ZBL 97-5") creating the RC zone was given Third Reading on March 26, 1997. ZBL 97-5 held different site requirements for principal buildings than the current policy provisions found in Section 14 of Zoning By-law 2009-04. The original home build at 28 Wyndstone Circle was given a permit for construction and a related Zoning Memorandum (ZM #01-046) was issued on June 4, 2001 confirming the development was built in compliance.

Current Development

On December 20, 2024 the home was destroyed by fire, resulting in a total loss, displacing the homeowners. The Builder contracted to redevelop the home was informed by administration that the proposed re-construction would require variance approval. After locating the existing piles and confirming viability, building placement was confirmed and a Surveyor's Sketch was prepared to confirm the intended re-build. Administration was able to confirm the requirement of four (4) variances.

Requested Variances

The application proposes the following variance(s) from the requirements of the RC Zone in the R.M. of East St. Paul Zoning By-law 2009-04, as amended:

TABLE OF PROPOSED SETBACKS:

28 Wyndstone Circle	Proposed Setback	Required Setback
North - to adjacent residential building:	1.59m (5.22 ft)	3.05* m (10.0 ft)
To north side condominium unit line:	0.72 m (2.36 ft)	1.62 m (5.0 ft)
South - to adjacent residential building:	2.35 m (7.71 ft)	3.05* m (10.0 ft)
To south side condominium unit line:	0.80 m (2.62 ft)	1.62 m (5.0 ft)

* = measurement conversion taken from table 14.5.

By comparison, the PRIOR Surveyor's sketch from 2001 required some calculation to confirm the setback ground-to-sky to the condo site line and did not confirm setbacks to adjacent builds. When calculating the measurement to the north site line, the PRIOR Surveyor's sketch from 2001 indicates an eave of 0.35 m and a closest building wall setback of 1.4m. Bringing that measurement down to 1.05m, however, there is no eave indicated, which was installed and would have reduced the setback.

Additionally, under the current Surveyor's Sketch, Barnes and Duncan was able to confirm that the closest setback building-to-building, to the north, is measured between the cantilever's eave and trough to the neighbouring home's trough.

The new home being built at 28 Wyndstone Circle is effectively the same as the home that was built in this location in and around 2000, only it will be constructed up to current Building Code standards. The major change triggering variance requirements is the zoning by-law itself.

At some point since 1997, the RC zone was amended to increase the setback provisions making every home in Country Villas legally pre-existing non-conforming. We understand Country Villas and the related RC by-law was specifically written to meet the intended design developed by Qualico when the original community was proposed. Due to changes made to the RC zone, any re-builds in Country Villas will need to seek similar approvals to this application as the Condo Corporation agreement sets out specific provisions and restrictions for development within the condo bounds.

Planning Rationale

No variance is requested to use, density, or zoning classification. The proposal retains the permitted use and overall development intent of the Zoning By-law.

The requested variance is evaluated against the variance criteria established under *The Planning Act* and relevant municipal policy. Based on this assessment, the proposed variance is appropriate, reasonable, and supportable for the following reasons:

1. The Variance Is Minor Relative to the Original Build

The requested variance represents the minimum adjustment to the applicable zoning regulation and does not result in a substantial departure from the intent of the original build constructed under ZBL 97-5.

The scale, form, and function of the proposed development remain consistent with surrounding properties, and the relief requested is limited strictly to what is required to address site-specific constraints.

2. The Variance Is Consistent with the General Intent of the Zoning By-law

The intent of the applicable zoning provisions is to ensure orderly development, adequate separation between structures, and compatibility with surrounding land uses. Building Code will address any fire separation needs. The development is fully serviced with fire hydrants.

The proposal maintains these objectives by respecting building massing, height, lot coverage, and overall neighbourhood character, while requesting only targeted dimensional relief.

3. The Variance Is Consistent with the General Intent of the Development Plan and Applicable Policies

The Subject Property is designated Settlement Centre Area under the applicable Development Plan, which encourages a range of urban, semi-urban, and suburban land uses or developments to function as administrative and service centres to provide a full range of social, commercial and institutional facilities to the residents of the region.

The proposed development, being a bungalow-style single-unit condominium dwelling for 55+ occupancy, aligns with these policy objectives and does not undermine broader land use, servicing, or infrastructure goals of the municipality or planning district.

4. The Variance Is Necessary Due to Site-Specific Circumstances

The need for variance relief arises from unique physical characteristics of the Subject Property, including condo lot configuration, existing development pattern, location of services, and changes made to the zone that directly impact the re-development of the home.

Without the requested variance, the Owner would be unduly restricted from developing or improving the property in a manner comparable to other similar properties within the same zoning district.

5. The Variance Does Not Create Adverse Impacts

The proposed variance will not result in a substantial adverse effect on neighbouring properties or the surrounding area with respect to:

- Privacy
- Shadowing
- Access to light and air
- Drainage or servicing
- Overall neighbourhood character

The proposal maintains appropriate setbacks from adjacent properties and is compatible with existing development patterns observed in the immediate area.


Summary:

The requested variance represents the **minimum modification necessary** to allow reasonable development of the Subject Property, while maintaining conformity with the intent of the Zoning By-law and applicable planning policy.

For these reasons, the variance satisfies the criteria set out in *The Planning Act* and represents good planning and sustainable land use. Approval of the variance is respectfully requested.

On behalf of the Owner, Barnes and Duncan appreciate the Municipality's consideration of this application. We remain available to provide any additional information or clarification as required.

Sincerely,



Jennifer Lim RPP
Director of Planning
Barnes and Duncan
Ph: 204-284-5999 Ext. 2024
Email: jenniferl@barnesduncan.com