

R. M. of West St. Paul
ZONING BY-LAW 2/99 “P”
VARIATION ORDER FILE NO. 98, 2021
PUBLIC HEARING

We are
Listening.

**Public
Hearing**

Thursday,
October 14, 2021

6:00 PM

online only

Phone:

(204) 482-3717

1-800-876-5831

Fax:

(204)482-3799

E-Mail:

info@rrpd.ca

Website:

redriverplanning.com



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

What is VO 98, 2021 about?

This variance application is to reduce the required south side yard from 4 ft. (min.) to 2.7 ft. (min.) in order to allow construction of a new house to continue on the subject property in the “RS” Serviced Residential Zone.



34 Lewin Lane

The RM Council Chamber is closed to the public due to COVID-19. Meetings will be available live through YouTube. The link will be provided at www.weststpaul.com. We request the public email info@weststpaul.com by 2pm the day of the meeting to register to speak; or to register as for, against, or for information.

For more information please contact the Red River Planning District.

Red River Planning District
806-A Manitoba Ave., Selkirk, MB

Mon-Fri*
8:30am-4:15pm

*excludes all statutory holidays

Date: September 22, 2021
File: VO 98, 2021
To: Council, R.M. of West St. Paul
Prepared by: Ingrid Zarichney, Community Planning Assistant
From: Derek Eno, BA, MCP, MCIP, RRP, Senior Community Planner
Location: Lot 18, Blk. 11, Plan 66850
 34 Lewin Lane (Roll No. 32205)

Zoning: “RS” Serviced Residential, West St. Paul Zoning By-Law 2/99“P”

Variance Request		Required / Permitted	Proposed
1.	Side Yard Interior (Main)	4 ft. (min.)	2.7 ft. (min.) (south)

Purpose:

This applicant proposes to reduce the required side yard setback (south) for a house. If approved, this variance will allow construction to continue for a new house on the subject property.

Background:

The subject property is approximately 5778 sq. ft. in size and is located on the west side of Lewin Lane. As per the applicant’s site plan and letter of intent, the property is partially developed with a house and attached garage.

The property is zoned “RS” Serviced Residential and is designated “SC” Settlement Centre in the Development Plan and “Existing Residential Neighbourhood” in the Secondary Plan.

The subject property is surrounded by other similar sized lots also zoned “RS” Serviced Residential which are in various stages of development.

Analysis:

The applicant is in the process of constructing a new house. As noted in their site plan and letter of intent, due a measurement error during the foundation work, the house was angled on the lot. This error resulted in a portion of the house not conforming to the minimum side yard setback requirement of 4 feet.

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:

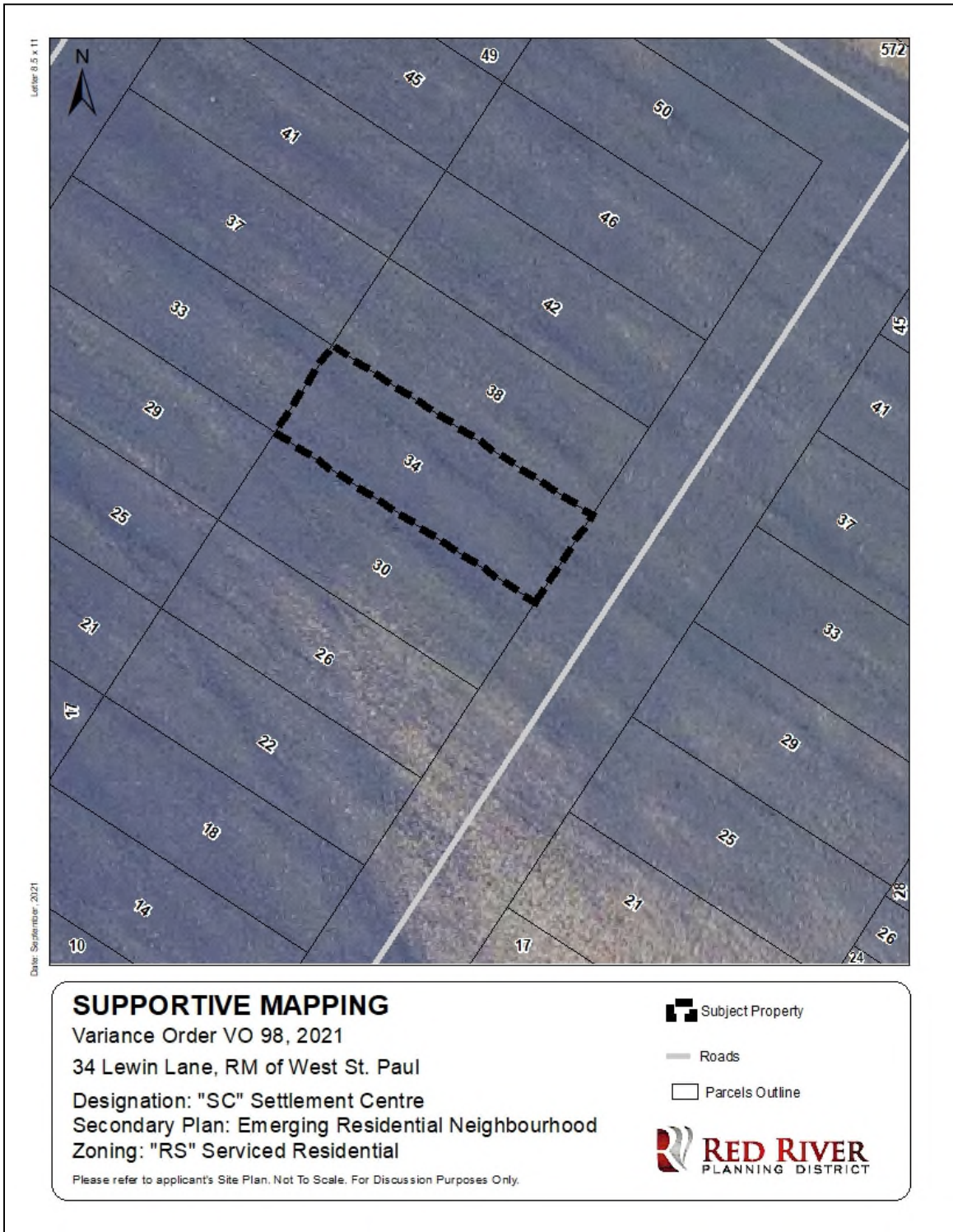
- (a) impose any conditions on the applicant or the owner of the affected property that it considers necessary to meet the requirements of clause 97(1)(b); and
- (b) require the owner of the affected property to enter into a development agreement under section 150.

Recommendation(s):

Should Council approve this application, our office recommends the following conditions:

1. This variance is limited to what is proposed in this application. Any changes in use, additions and/or replacement of the structure may require a new variance approval.

LOCATION MAP
Illustrating Subject Property



APPLICANT'S INFORMATION
Letter of Intent, Site Plan, Rendering

September 9, 2021

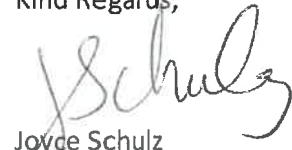
Red River Planning District
806-A Manitoba Avenue
Selkirk, Manitoba R1A 2H4

Dear Sir/Madam,

RE: 34 Lewin Lane, West St. Paul

Due to an error in measurement during the foundation work on the new house build, making the house angled on the property and the garage ending up less than the required 4' side-yard, we would like to request a variance so that we can continue the house build. I have attached a copy of our building location certificate for your reference.

Kind Regards,



Joyce Schulz
Schulz Homes

6 Donald Street
Winnipeg, Manitoba
R3L 0K6

180-A, 5th Street
Morden, Manitoba
R6M 1C9

Surveyor's Building Location Certificate

September 3, 2021

Schulz Construction Inc.
Box 531
Steinbach MB R5G 1M4

Dear Sir/Madam:

Re: 34 Lewin Lane, RM of East St. Paul, Manitoba

Certificate of Title: 3066196/1 W.L.T.O. (Search Date: August 24, 2021)

Registered Owner: 6937901 Manitoba Ltd.

Legal Description: Lots 18 Block 11 Plan 66850 WLTO
in RLS 11, 12, 13, 14 and 15 Parish of St. Paul

Encumbrances: Instruments Numbered 189462/1, 4880091/1, 4924764/1,
5181815/1, 5181817/1, 5181818/1 and 5181824/1 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, this is to certify that we have made the necessary measurements to determine the position of a two storey styrofoam and wire wrapped dwelling with attached garage (under construction), unnumbered on the north side of Lewin Lane, in the RM of East St Paul, and find that the same, above ground level, is contained entirely within limits of the above described land.

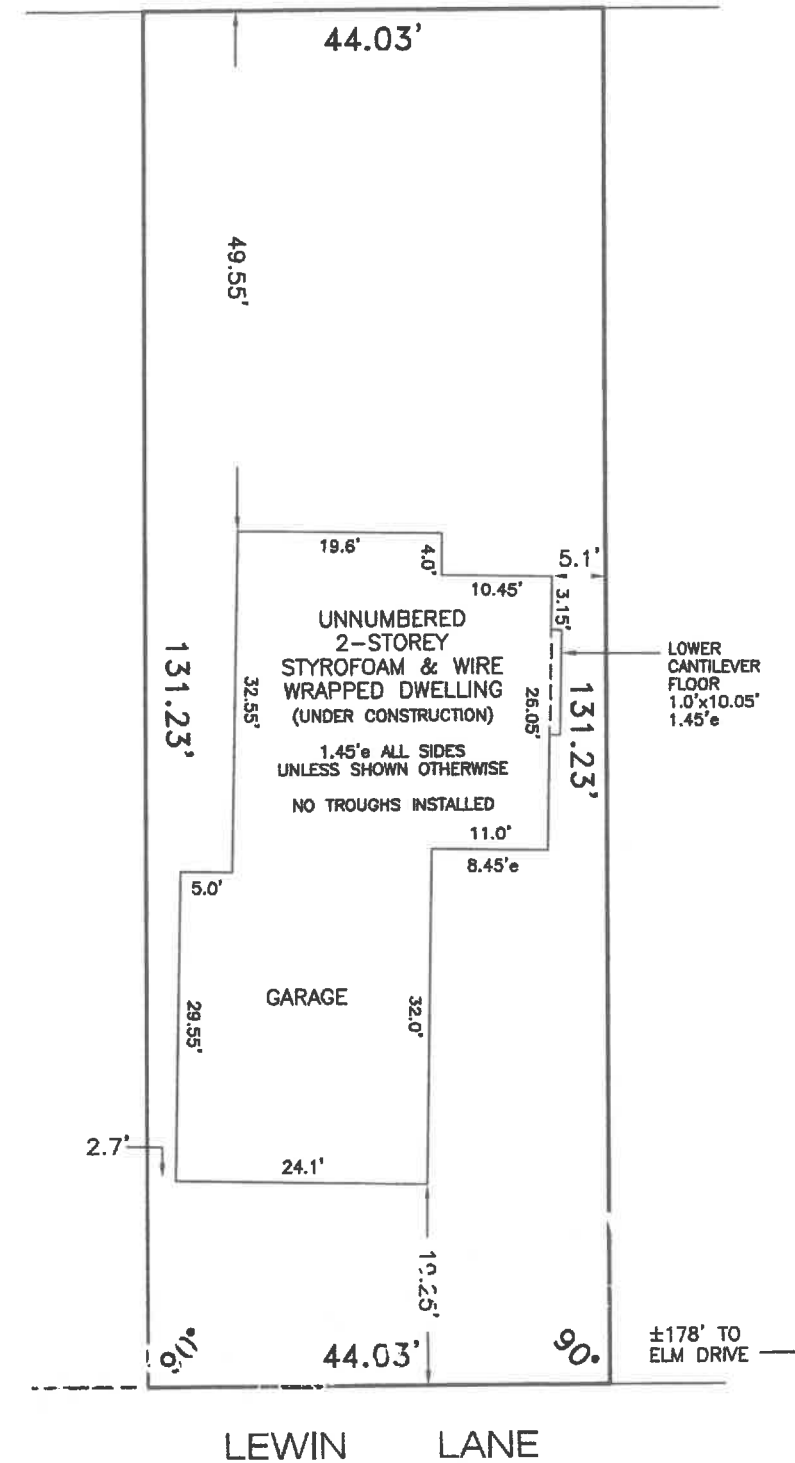
There are no encroachments above ground level onto the above described land by buildings from adjoining properties.

PLEASE NOTE THAT NO SURVEY MONUMENTS WERE REQUESTED TO BE INSTALLED AT PROPERTY CORNERS.

This survey was made on the 26th day of August, 2021.

Signed & Sealed

Daniel B. J. Gautron, M.L.S.



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Our File: 21-0533
Acad dwg: 21-0533-2 BLC
Field Book: 1440/62-65
Drafter: CJC

SKETCH - all distances are in feet and decimals of a foot.

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