

MINUTES OF THE REGULAR DEVELOPMENT AND PLANNING MEETING HELD IN THE COUNCIL CHAMBERS OF THE RURAL MUNICIPALITY OF TACHÉ IN LORETTE, MANITOBA ON SEPTEMBER 12TH, 2013 AT 7:00 P.M.

MEMBERS PRESENT: Mayor Danylchuk, Councillors Koop, Menard, Deschambault, Stein, Heather & Rivard.

Councillor Trudeau arrived at 7:02 p.m.

IN ATTENDANCE: Daniel Poersch,
Chief Administrative Officer,
Janice Desmarais, Development Officer,
Tanis Klippenstein, Development Officer.

**INVOCATION/
OPENING:** Mayor Danylchuk offered the Invocation at 7:00 p.m.

ADOPTION OF AGENDA

839-2013 Menard – Deschambault: Resolved that this Meetings Agenda be adopted as amended.

Carried.

MUNICIPAL BOARD ORDER NO. B-13-010 (ZONING AMENDMENT BY-LAW NO. 2-2013)

840-2013 Deschambault – Menard: Resolved that Council acknowledge the Municipal Board Order No. B-13-010 on Zoning Amendment By-law No. 2-2013, and;

Be It Further Resolved that the Municipal Board decision be referred to the Lorette LUD Committee at the next regularly scheduled meeting.

Carried.

ZONING AMENDMENT BY-LAW NO. 2-2013 (PT. LOT 1, PLAN 13716)-3RD READING

841-2013 Deschambault – Menard: Resolved that By-law No. 2-2013; being an amendment to Map Two of the R.M. of Tache Zoning By-law No. 12-2009 to rezone Part of Lot 1, Plan 13716 from “**RL**”; **Residential Limited Zone** to “**RG**”; **Residential General Zone** be given Third and Final Reading and Passed.

For the Motion: Mayor Danylchuk, Councillors Trudeau, Koop, Menard, Deschambault, Stein, Heather & Rivard.

Against the Motion: Nil.

Abstained: Nil.

Motion Carried.

ACCESSORY BUILDING – LOT 13 OF PLAN 54195 (DUBOIS DRIVE)

842-2013 Menard – Stein : Whereas correspondence has been submitted from the Purchaser of Lot 13, Plan 54195 requesting Council’s approval to place a 12’ x

20' Accessory Building (Shed) on the above legally described property for the purpose of storing building material/equipment for future construction of a new residence;

Resolved that the request to place the Accessory Building (Shed) is authorized subject to the following:

- The location of the Accessory Building comply with the yard setback distances as referenced in the R.M. of Tache Zoning By-law, and;
- A Building Permit be obtained from the Municipal Building Inspector prior to the placement of the Accessory Building (Shed).

Carried.

NOTICE OF PUBLIC HEARING – R.M. OF HANOVER ZONING AMENDMENT BY-LAW NO. 2319-13; LOT 39, PLAN 6152 IN LUD OF GRUNTHAL

843-2013 **Trudeau – Koop:** Resolved that Council address no concerns with the R.M. of Hanover Zoning Amendment By-law No. 2319-13; being an amendment to rezone the northerly 172 feet of Lot 39, Plan 6152 in the LUD of Grunthal from “UR”; **Urban Residential Zone** to “M”; **Industrial Zone.**

Carried.

PROPOSED SUBDIVISION – R.M. OF STE. ANNE (PT. SE ¼ OF SECTION 34-8-7E); GERALD & SANDRA PRAIRIE

844-2013 **Trudeau – Menard:** Resolved that Council address no concerns with a Subdivision Application proposed on pt. SE ¼ of Section 34-8-7E located within the R.M. of Ste. Anne.

Carried.

NOTICE OF PUBLIC HEARING – R.M. OF SPRINGFIELD (ZONING AMENDMENT BY-LAW NO. 13-07); LOTS 9 & 10, BLOCK 1, PLAN 50759

845-2013 **Menard – Trudeau:** Resolved that Council address no concerns with the R.M. of Springfield Zoning Amendment By-law No. 13-07; being an amendment to rezone Lots 9 & 10, Block 1, Plan 50759 within the W½ of Section 21-11-5E from “RC”; **Residential Comprehensive Zoning District** to “RM”; **Residential Multiple Family Zoning District** in Oakbank.

Carried.

TENDER SELECTION – CENTRE AVENUE PAVING; LANDMARK

846-2013 **Koop – Deschambault:** Resolved that Council acknowledge the recommendation from the Landmark LUD Committee and award the Centre Avenue Street Paving Project to Borland Construction at a cost of \$183,146.25.

Carried.

NOTICE OF PUBLIC HEARING – R.M. OF SPRINGFIELD (VARIANCE NO. 13-65); LOT 1, BLOCK 2, PLAN 17535 & LOT 1, PLAN 17346 & REVISED SUBDIVISION FILE NO. 4189-12-7041

847-2013 **Trudeau – Heather:** Resolved that Council address no concerns with the R.M. of Springfield Variance No. 13-65 along with revised Subdivision File No. 4189-12-7041 as presented.

Carried.

VARIOUS UPDATES

848-2013 The CAO updated Council with various municipal matters.

LOT 4, PLAN 16435 (BY-LAW ENFORCEMENT SERVICES)

849-2013 **Stein – Deschambault:** Whereas it has been brought to Council’s attention that the owner of Lot 4, Plan 16435 is in contravention of the R.M. of Tache Zoning By-law, and;

Whereas the Municipality has on various occasions forwarded correspondence to the owner regarding the non-conformity without receiving any response from the owner;

Resolved that the Municipality obtain the services of Prairie By-law Enforcement to investigate the matter further.

Carried.

MUNICIPAL FENCE

850-2013 Councillor Deschambault requested that Public Works personnel remove the old fence along the Municipal Office and clean up the area as needed.

RECOGNITION – PETER THIESSEN

851-2013 **Deschambault – Koop:** Resolved that Council recognize Mr. Thiessen for his efforts in the community as a Residential Developer, and;
Be It Further Resolved that Council extend their condolences to the family on the recent passing of Mr. Thiessen.

Carried.

CORRESPONDENCE & COMMUNICATIONS

852-2013	<u>Writer</u>	<u>Subject</u>	<u>Disposition</u>
	Province of Manitoba	Bill 33	Rec’d as info.

OPEN OF PUBLIC HEARING –BY-LAW NO. 7-2013 (ZONING BY-LAW AMENDMENT); TEXT AMENDMENT

853-2013 **Trudeau – Menard:** Resolved that the Public Hearing on Zoning Amendment By-law No. 7-2013 be opened.

Carried.

DELEGATION – ZONING AMENDMENT BY-LAW NO. 7-2013

854-2013 At 7:30 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Zoning Amendment By-law No. 7-2013 being a text Amendment to the R.M. of Tache Zoning By-law.

The Landmark & Lorette LUD Committee Members addressed no concerns.

The following correspondence was received from the various Government Departments:

Community & Regional Planning Branch:	No concerns
Manitoba Infrastructure & Transportation:	No concerns
Manitoba Conservation:	No concerns
Water Stewardship	

Stewardship: No concerns

Manitoba Agriculture, Food & Rural Initiatives: No concerns

Winnipeg Planning, Property & Development Department: No concerns

R.M. of Ste. Anne: No concerns

No other correspondence or communication was received to date.

CLOSE OF PUBLIC HEARING – ZONING AMENDMENT BY-LAW NO. 7-2013

855-2013 Stein – Deschambault: Resolved that the Public Hearing on Zoning Amendment By-law No, 7-2013 be closed.

Carried.

ZONING AMENDMENT BY-LAW NO. 7-2013 (2ND READING)

856-2013 Deschambault – Stein: Resolved that Zoning Amendment By-law No. 7-2013 be given 2nd Reading.

Carried.

ZONING AMENDMENT BY-LAW NO. 7-2013 (TEXT AMENDMENT)-3RD READING

857-2013 Deschambault – Stein: Resolved that By-law No. 7-2013; being a Text Amendment to the R.M. of Tache Zoning By-law be given Third and Final Reading and Passed.

For the Motion: Mayor Danylchuk, Councillors Trudeau, Koop, Menard, Deschambault, Stein, Heather & Rivard.

Against the Motion: Nil.

Abstained: Nil.

Motion Carried.

OPEN OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #28-13; GERALD & ANNETTE FOUASSE (LOT 28, BLOCK 1, PLAN 48185 IN PT. RL 54/55)-110 CONVENT CRESCENT

858-2013 Trudeau – Koop: Resolved that the Public Hearing on Variation Order Application No. VO #28-13 be opened.

Carried.

DELEGATION – VARIATION ORDER APPLICATION NO. VO #28-13

859-2013 At 7:50 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Variation Order Application No. VO #28-13.

Nathan Reimer; Building Contractor attended the Delegation Chair in support of the Application.

The Lorette LUD Committee addressed no concerns and recommended Council approve the Application.

No other correspondence or communication

was received to date.

CLOSE OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #28-13

860-2013 Trudeau – Heather: Resolved that the Public Hearing on Variation Order Application No. VO #28-13 be closed.

Carried.

COUNCIL DISPOSITION – VARIATION ORDER APPLICATION NO. VO #28-13; GERALD & ANNETTE FOUASSE (LOT 28, BLOCK 1, PLAN 48185 IN PT. RL 54/55)-110 CONVENT CRESCENT

861-2013 Deschambault – Stein: Resolved that Council APPROVE Variation Order Application No. VO #28-13 as applied for.

Carried.

OPEN OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. CU #33-13; SCHINKEL PROPERTIES INC.; BOB SCHINKEL (LOT 6, PLAN 14160)-1124 DAWSON ROAD IN LORETTE LUD

862-2013 Koop – Rivard: Resolved that the Public Hearing on Conditional Use Application No. CU #33-13 be opened.

Carried.

DELEGATION – CONDITIONAL USE APPLICATION NO. CU #33-13

863-2013 At 8:00 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Conditional Use Application No. CU #33-13.

Jean Klassen; Representative of Schinkel Properties attended the Delegation Chair in support of the Application.

The Lorette LUD Committee recommended Council approve subject to the following:

- hard surfacing of parking lot within 12 months of building construction completion;
- fencing congruent with current standards on the south & east sides of the property;
- sidewalk construction along the west boundary of the parking lot;
- provision of adequate garbage & recycling bin areas;
- underground land drainage system.

Brenda Lombaert; Resident of 161 St. Michael's Crescent attended the Delegation Chair addressing concerns respecting fencing, lighting, parking area, buffer area adjacent to her property, areas located for garbage & recycling.

Alexander Cassie; Resident of 155 St. Michael's Crescent attended the Delegation Chair addressing concerns with respect to height of fence, lighting, buffer area adjacent to his property and the height of the building.

Hettie Penner; Resident of 193 Main Street in Landmark attended the Delegation Chair addressing concerns with standard fence height, placement of the complex, balconies on the complex and location of the garbage bin.

The Applicants re-attended the Delegation Chair addressing the various concerns brought forth.

No other correspondence or communication has been received to date.

CLOSE OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. CU #33-13

864-2013 Trudeau – Deschambault: Resolved that the Public Hearing on

Conditional Use Application No. CU #33-13 be closed.

Carried.

OPEN OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #34-13 (PT. SE ¼ 15-9-7E) – DARCY & TRICIA LEGAL

865-2013 Trudeau – Stein: Resolved that the Public Hearing on Variation Order Application No. VO #34-13 be opened.

Carried.

DELEGATION – VARIATION ORDER APPLICATION NO. VO #34-13

866-2013 At 8:10 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Variation Order Application No. VO #34-13.

Darcy Legal; Owner and Applicant attended the Delegation Chair in support of the Application.

No other correspondence or communication has been received to date.

CLOSE OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #34-13

867-2013 Trudeau – Heather: Resolved that the Public Hearing on Variation Order Application No. VO #34-13 be closed.

Carried.

COUNCIL DISPOSITION – VARIATION ORDER APPLICATION NO. VO #34-13 (PT. SE ¼ 15-9-7E) – DARCY & TRICIA LEGAL

868 -2013 Rivard – Stein: Resolved that Council APPROVE Variation Order Application No. VO #34-13 subject to the following conditions:

- The Owner obtain the necessary building permits from the Municipal Building Inspector prior to construction of the Accessory Building.

Carried.

OPEN OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. CU #37-13; JOEL BAGGLEY/MARISA REMPEL (LOT 1, PLAN 42011)-OAKGROVE ROAD

869-2013 Trudeau – Menard : Resolved that the Public Hearing on Conditional Use Application No. CU #23-13 be opened.

Carried.

DELEGATION – CONDITIONAL USE APPLICATION NO. CU #37-13

870-2013 At 8:20 p.m., the time specified in the notice required to be circulated; Council conducted the Public Hearing on Conditional Use Application No. CU#37-13 to allow for the placement of a brand new RTM establishing permanent residency for the Owners/Applicants.

Joel Baggley; Owner & Applicant attended the Delegation Chair in support of the Application.

No other correspondence or communication has been received to date.

CLOSE OF PUBLIC HEARING – CONDITIONAL USE APPLICATION NO. CU #37-13

871-2013 Trudeau – Deschambault: Resolved that the Public Hearing on Conditional Use Application No. CU #37-13 be closed.

Carried.

COUNCIL DISPOSITION – CONDITIONAL USE APPLICATION NO. CU #37-13; JOEL BAGGLEY/MARISA REMPEL (LOT 1, PLAN 42011)-OAKGROVE ROAD

872-2013 Menard – Trudeau: Resolved that Council APPROVE Conditional Use Application No. CU #37-13 as applied for subject to the following condition(s):

- The appropriate Building Permits be obtained from the Municipal Building Inspector prior to the placement of the Brand New RTM.

Carried.

OPEN OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #38-13; GLENN DOBUSH/AUDREY KOZAK-DOBUSH (LOT 5, PLAN 52434 IN PT. RL 39)

873-2013 Trudeau – Menard: Resolved that the Public Hearing on Variation Order Application No. VO #38-13 be opened.

Carried.

DELEGATION – VARIATION ORDER APPLICATION NO. VO #38-13

874-2013 At 8:30 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Variation Order Application No. VO #38-13.

Audrey Kozak-Dobush; Owner and Applicant attended the Delegation Chair in support of the Application. No other correspondence or communication has been received to date.

CLOSE OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #38-13

875-2013 Trudeau – Heather: Resolved that the Public Hearing on Variation Order Application No. VO #38-13 be closed.

Carried.

COUNCIL DISPOSITION – VARIATION ORDER APPLICATION NO. VO #38-13 GLENN DOBUSH/AUDREY KOZAK-DOBUSH (LOT 5, PLAN 52434 IN PT. RL 39)

876-2013 Menard – Koop: Resolved that Council APPROVE Variation Order Application No. VO #38-13 subject to the following conditions:

- The appropriate Building Permits be obtained from the Municipal Building Inspector prior to the construction of the Single Family Dwelling and the Accessory Building (Detached Garage).

Carried.

OPENING OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #39-13; DAVID & DORIS ANDRES (LOT 4, BLOCK 3, PLAN 15357 (21 FIRST AVENUE SOUTH; LANDMARK)

877-2013 Trudeau – Koop: Resolved that the Public Hearing on Variation Order Application No. VO #39-13 be opened.

Carried.

DELEGATION – VARIATION ORDER APPLICATION NO. VO #39-13

878-2013

At 8:40 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Variation Order Application No. VO #39-13.

David Andres; Owners/Applicants attended the Delegation Chair in support of the Application.

The Landmark LUD Committee addressed no concerns and recommended Council approve.

No other correspondence or communication was received to date.

CLOSE OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #39-13

879-2013

Trudeau – Heather: Resolved that the Public Hearing on Variation Order Application No. VO #39-13 be closed.

Carried.

COUNCIL DISPOSITION – VARIATION ORDER APPLICATION NO. VO #39-13; DAVID & DORIS ANDRES (LOT 4, BLOCK 3, PLAN 15357-21 FIRST AVENUE SOUTH; LANDMARK)

880-2013

Koop – Trudeau: Resolved that Council **APPROVE** Variation Order Application No. VO #39-13 subject to the following conditions:

- The appropriate Building Permits be obtained from the Municipal Building Inspector prior to the construction of the Accessory Building (Detached Garage).

Carried.

COUNCIL DISPOSITION – CONDITIONAL USE APPLICATION NO. CU #33-13; SCHINKEL PROPERTIES INC.; BOB SCHINKEL (LOT 6, PLAN 14160)-1124 DAWSON ROAD IN LORETTE LUD

881-2013

Deschambault – Menard: Resolved that Council acknowledge the recommendations of the Lorette LUD Committee and **APPROVE** Conditional Use Application No. CU #33-13 subject to the following conditions:

- hard surfacing of parking lot within 12 months of building construction completion;
- fencing congruent with current standards on the south & east sides of the property;
- sidewalk construction along the west boundary of the parking lot;
- provision of adequate garbage & recycling bin areas;
- underground land drainage system;
- pay to the Municipality capital levy fees of \$4,500.00 per unit;
- enter into a Development Agreement with the Developers outlining various property matters such as fencing height, luminaires to be placed on top of fencing, garbage & recycling bins, parking, enhanced buffer area to the south property line and any other matters that Council deems appropriate;
- locate the Complex as close to the north front property line as possible increasing the buffer area of the southern property line immediately adjacent to residential lots;
- apply for a Minor Variation varying the location of the proposed facility to an approximate distance of 13½ feet from the West Property Site Line allotting for greater separation distance from the Residential Property to the east, and;
- obtain the necessary Building Permits from the Municipal Building Inspector.

Councillor Stein requested a recorded vote

For the Motion: Councillors Koop, Menard,
Deschambault, Rivard and Mayor
Danylchuk

Against the Motion: Councillors Heather & Stein

Abstained: Councillor Trudeau

Motion Carried.

OPEN OF PUBLIC HEARING – VARIATION ORDER NO. VO #36-13; 6582827 MANITOBA LTD.; ALLAN & RUSSELL HIEBERT (ORG. LOT 1, PLAN 13716)-SUBDIVISION FILE NO. 4194-2013-7139

882-2013 **Trudeau – Deschambault:** Resolved that the Public Hearing on Variation Order Application No. VO #36-13 be opened.

Carried.

DELEGATION – VARIATION ORDER APPLICATION NO. VO #36-13

883-2013 At 8:50 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Variation Order Application No. VO #36-13.

Allan Hiebert; Representative for 6582827 Manitoba Ltd. attended the Delegation Chair in support of the Application. Meron Solonyuka; Resident of 210 Marcoux Avenue attended the Delegation Chair requesting additional information respecting the current curve of Marcoux Avenue as well as the fencing along the Public Walkway adjacent to his property.

The Lorette LUD Committee addressed no concerns and recommended Council approve.

No other correspondence or communication has been received to date.

CLOSE OF PUBLIC HEARING – VARIATION ORDER APPLICATION NO. VO #36-13

884-2013 **Trudeau – Stein:** Resolved that the Public Hearing on Variation Order Application No. VO #36-13 be closed.

Carried.

COUNCIL DISPOSITION - VARIATION ORDER NO. VO #36-13; 6582827 MANITOBA LTD.; ALLAN & RUSSELL HIEBERT (ORG. LOT 1, PLAN 13716)-SUBDIVISION FILE NO. 4194-2013-7139

885-2013 **Deschambault – Menard:** Resolved that Variation Order Application No. VO #36-13 be **APPROVED** as applied for.

Carried.

OPEN OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2013-7228; VIKTOR & NADJA SCHELING/VIKTOR & NATALIE BELJAU (PT NW¼ OF SECTION 36-9-4E)

886-2013 **Trudeau – Menard:** Resolved that the Public Hearing on Subdivision File No. 4194-2013-7228 be opened.

Carried.

DELEGATION – SUBDIVISION FILE NO. 4194-2013-7228

887-2013

At 9:00 p.m.; the time specified in the Notice required to be circulated; Council conducted the Public Hearing on Subdivision File No. 4194-2013-7228.

Simon Scheling; son to and representing Viktor Scheling attended the Delegation Chair in support of the Application.

Correspondence was received from various Provincial Departments submitting the following comments:

- Community & Regional Planning Branch:

Comment that the Application does not comply with the policies of the Development Plan. Community Planning Branch notes that 5 residential lots have previously been subdivided from the NW¹/₄ of Section 36-9-4E (3 of the 5 lots are adjacent to PR #207). They also note that the most recent subdivision (Approved in 2011) was applied for as a Retiring Farmer. The Community & Regional Planning Branch support the objections received from Manitoba Infrastructure & Transportation and Manitoba Agriculture Food & Rural Initiatives and recommend Council **DENY** the Application as applied for.

- Manitoba Infrastructure & Transportation:

OBJECT to the Proposed Subdivision. Comment that the Application does not comply with the Development Plan. The Department expresses additional concern regarding the precedent that is established by allowing more residential development adjacent to the highway.

- Manitoba Agriculture, Food & Rural Initiatives:

OBJECT to the Proposed Subdivision. Comment that it does not conform to the Policies in Part II.A.5. of the R.M. of Tache Development Plan. The Subdivision is to create a Rural Residential Lot and is not related to agricultural use.

- Manitoba Conservation: No concerns.

- Manitoba Water Stewardship: No concerns.

- Manitoba Hydro: No concerns.

- MTS Allstream: No concerns.

- Mines: No concerns.

Andrew & Michelle Kanis; Residents of 53093 PR #207 submitted correspondence **OBJECTING** to the Application.

No other correspondence or communication was received.

CLOSE OF PUBLIC HEARING – SUBDIVISION FILE NO. 4194-2013-7228

888-2013 **Trudeau – Deschambault:** Resolved that the Public Hearing on Subdivision File No. 4194-2013-7228 be closed.

Carried.

COUNCIL DISPOSITION – SUBDIVISION FILE NO. 4194-2013-7228; VIKTOR & NADJA SCHELING/VIKTOR & NATALIE BELJAU (PT. NW¼ OF SECTION 36-9-4E)

889-2012 **Menard – Stein:** Resolved that Council acknowledge the comments/recommendations of the various Provincial Departments and **REJECT** Subdivision Application No. 4194-2013-7228.

Carried.

ADJOURNMENT

890-2013 **Trudeau – Deschambault:** Resolved that the meeting is adjourned, the hour being 9:20 p.m.

Carried.

**William Danylchuk,
Mayor.**

**Daniel Poersch,
Chief Administrative Officer.**