

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

WEDNESDAY, SEPTEMBER 2nd, 2009

Present: Reeve Peter Skrupski
Councillor Bob Bodnaruk
Councillor Karen Lalonde
Councillor Brian Thompson
Councillor Ken Lucko
Councillor Lorne Vaags
Dan Doucet, Development Officer
Colleen Draper, Recording Secretary

Reeve Skrupski called the meeting to order at 6:30 p.m.

AGENDA

09-442 SKRUPSKI BE IT RESOLVED THAT the Agenda be accepted as written.
VAAGS CARRIED (6-0)

MINUTES

09-443 SKRUPSKI WHEREAS the minutes of the Council meeting held August
VAAGS 26, 2009 have been previously distributed to Council;
BE IT RESOLVED THAT the same be and are hereby amended
as follows:
Page 1 - Reports - Re: grading the roads. Should state
working weekends/overtime because of bad weather.
Page 3 - 09-422 - Councillor Lucko requested a recorded
vote.
Page 6 - strike Councillor Bodnaruk's comment from the
minutes.
Page 7 - Councillor Bodnaruk distributed correspondence
to Council CARRIED (5-1)

UNFINISHED BUSINESS

Ward 5 Drainage Complaint

Drainage work on Mission Road is currently being
completed.

CONSENT AGENDA

09-444 SKRUPSKI WHEREAS a consent agenda has been submitted consisting
BODNARUK of 1 item;
BE IT RESOLVED THAT the said consent agenda be adopted
as circulated. CARRIED (6-0)

NEW BUSINESS

Minister of IGA Re: Livestock Operations Policy -
Correspondence received as information.

Council Pictures

A date to be set in mid October for taking picture of
past and present Councils for the municipal archives.

Council Meeting Schedule

09-445 SKRUPSKI VAAGS BE IT RESOLVED THAT the following regularly scheduled council meetings be cancelled:
Wednesday, November 4, 2009
Wednesday, November 11, 2009
Wednesday, November 25, 2009
BE IT FURTHER RESOLVED THAT the following council meeting be scheduled:
Wednesday, November 18, 2009 at 6:30 p.m.
CARRIED (6-0)

In Camera

09-446 SKRUPSKI VAAGS BE IT RESOLVED THAT this meeting recess to in camera to discuss personnel and legal issues.
AND BE IT FURTHER RESOLVED THAT all matters shall remain confidential until a report is made public.
CARRIED (6-0)

09-447 SKRUPSKI BODNARUK BE IT RESOLVED THAT this meeting reconvenes from in camera.
CARRIED (6-0)

BY-LAWS

By-law 09-13 - McLeod

09-448 THOMPSON VAAGS BE IT RESOLVED THAT first reading be given to By-law No. 09-13 being a by-law of the Rural Municipality of Springfield to rezone the west halves of legal subdivisions 1 and 8 within Section 33-12-5E from "A" Rural & Agricultural Zone to "A20" Limited Agricultural District.
CARRIED (6-0)

PUBLIC HEARINGS UNDER THE PLANNING ACT

Variance 09-62 - Andreas & Alina Schumacher and Laurie Marusyk-Peper - SW 2-12-5E

Purpose: 1. Proposed Lot 1 - To permit an approximate site area of 19.65(+/-)acre and site width of 648(+/-)feet instead of the required 20 acres and 660 feet respectively;
2. Proposed Lot 2 - To permit an approximate site width of 278(+/-)feet instead of the required 660 feet, and;
3. Proposed Lot 2 - To permit the maintenance of a 9.74'x 12.76' wood-sided shed having a North side yard setback of 16.18 feet instead of the required 25 feet, within the "A20" Limited Agricultural Zoning District and "RR5" Rural Residential Zoning District. (re: subdivision 4189-09-5292)

Representations:

In Support: Alina Schumacher
Hans Peper
In Opposition: None

For Information: Herb Schwanke

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-449 VAAGS
THOMPSON

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Andreas & Alina Schumacher and Laurie Marusyk-Peper (Lot 1 Plan 48081 & Lot 2 Plan 31481 within SW ¼ 2-12-5E) for a variation of the Springfield Zoning By-law No. 85-26 & amendments thereto;
AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;
BE IT RESOLVED THAT Variation Order No. 09 - 62 be granted subject to the following conditions:
1. This order shall come into force and take effect on the date of registration of a final certificate of approval on the matter of subdivision application no. 4189-09-5292. CARRIED (6-0)

Variance 09-63 - Perry & Rene Halaiko - 136 Willow Avenue East, Oakbank

Purpose: To permit the construction of a 26'x 26' detached garage having a South rear yard setback of 2 feet and eave projection of 1 foot instead of the required 10 feet and 3 feet respectively, within the "RA" Suburban District.

Representations:

In Support: Perry & Rene Halaiko
In Opposition: None

The Development Officer read his report.

Councillor Lalonde read out a letter in favor of the application from the neighbors, Jo-Anne & Ron Kullman.

The Chair closed the evidentiary portion of the meeting.

09-450 LALONDE
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Perry & Rene Halaiko (Lot 1 Block 5 Plan 29889 within SW ¼ 22-11-5E) for a variation of the Springfield Town Planning Scheme By-law No. 1575 & amendments thereto;
AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 09 - 63 be granted subject to the following conditions:

1. The use of the proposed accessory building shall be limited to the keeping of personal goods, supplies and personal vehicles, unless an application is made to utilize the proposed accessory building to accommodate for a "Home Occupation".
2. If there are any problems with drainage along the rear property limit at any time, as determined by the Development Officer, the owner shall be responsible to construct and maintain the common swale and/or other drainage improvements to rectify the situation. If drainage improvements are required, the design and construction of said improvements shall be reviewed and approved by the Public Works Department prior to any drainage improvements.

CARRIED (6-0)

Variance 09-64 - Curtis Boughton & Kimberly Semchyshyn - 20 Hazel Bay, Oakbank

Proposal: To permit the construction of an addition to the existing single-family dwelling having a maximum site coverage of 40% instead of the required 25% and a rear yard setback of 22 feet instead of the required 25 feet, within the "RA" Suburban District & registered Development Agreement.

Representations:

In Support: Curtis Boughton

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-451 LALONDE
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Curtis Boughton and Kimberly Semchyshyn (Lot 23 Block 4 Plan 29889 within NW ¼ 22-11-5E) for a variation of the Springfield Town Planning Scheme By-Law 1575 & amendments thereto and to amend Clause 9.3(k) of registered Development Agreement;
AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;
BE IT RESOLVED THAT Variation Order No. 09 - 64 be granted subject to the following conditions:

1. If there are any problems with drainage along the rear property limit at any time, as determined by the Development Officer, the owner shall be responsible to construct and maintain the common swale and/or other drainage improvements to rectify the situation. If drainage improvements are required, the design and construction of said improvements shall be reviewed and approved by the Public Works Department prior to any drainage improvements.
2. The residential site shall be limited to a maximum of 40% site coverage for the dwelling and all accessory buildings and structures.

CARRIED (6-0)

Variance 09-65 - Teresa Marino - SE 32-12-6E

Purpose: To permit the keeping of 2.5 Livestock Waste Units (5 horses) and construction of related accessory buildings, having a site area of 10.03 acres & a site width frontage of 330.13 feet instead of the required 20 acres & 660 feet respectively, within the "A20" Limited Agricultural Zoning District.

Representations:

In Support: Teresa Marino
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-452 THOMPSON
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Teresa Marino (Lot 12 Plan 15311 within SW ¼ 32-12-6E) for a variation of the Springfield Zoning By-law No. 85-26 as amended;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 09 - 65 be granted subject to the following conditions:

1. No livestock shall be permitted on the land other than up to a maximum of 2.5 Livestock Waste Units (5 adult horses), which are to be kept no closer than 100 feet to any well or septic field.
2. All livestock animals are to be owned by family members for personal use.
3. If this variance is not acted upon within 12 months, it will expire.

CARRIED (6-0)

Variance 09-66 - David & Christine Keller - SE 6-11-7E

Purpose: 1. To permit the establishment of a hair salon business on the land, as a "Home Occupation" within a proposed 30'x 36' accessory building, and
2. To permit the construction of a 30'x 36' accessory building having a corner side yard setback of 65 feet instead of the required 125 feet, within the "RR5" Rural Residential Zoning District.

Representations:

In Support: David & Christine Keller
In Opposition: None

The Development Officer read his report.

Councillor Lucko read out a letter of concern from a neighboring property owner, Ed Greene.

The Chair closed the evidentiary portion of the meeting.

09-453 LUCKO
LALONDE

WHEREAS a Public Hearing has been conducted to consider an application filed by the owners David & Christine Keller (Lot 3 Block 2 Plan 13907 within SE ¼ 6-11-7E) for a variation of the Springfield Zoning By-law No. 85-26 as amended;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 09 - 66 be granted subject to the following conditions:

1. All business activities shall be conducted within the proposed accessory building.
2. Business activities shall be limited to the hours of 8:00 a.m. to 8:00 p.m., Monday to Friday and 8:00 a.m. to 6:00 p.m. on Saturdays (excluding Public Holidays).
3. Not more than one advertising sign shall be displayed on the land and the size of the sign permitted shall not exceed 6 square feet in total area.
4. Approval is required from the Environmental Health Officer, prior to opening to the public.
5. No new building permits shall be issued until the outstanding deficiencies are corrected to the dwelling, existing accessory building and above ground pool.
6. This order shall expire and become null and void on the date the land is transferred by the applicant or business ceases to be in operation.

CARRIED (6-0)

Second Driveway

09-454 LUCKO
BODNARUK

BE IT RESOLVED THAT the application by Christine Keller, to construct a second access at 5 Pinewood Drive (Lot 3 Block 2 Plan 13907 within SE ¼ 6-11-7E), be approved conditional to the approach being installed to the satisfaction and specifications of the Public Works Department. CARRIED (6-0)

Variance 09-67 - Rural Municipality of Springfield - NE/SE 11-11-5E

Purpose: To permit the use and construction of a Public Utility (Lagoon Expansion) to the existing municipal Public Utility and to permit a site area greater than one acre, within the "A" Rural and Agricultural Zone. (under Section 97(2) of The Planning Act (Use Variance).

The Development Officer read his report.

A letter of opposition from Patricia and Ronald Stecy was received.

A letter of opposition from Deeley Fabbri Sellen, Barristers and Solicitors, on behalf of their clients Patricia and Ronald Stecy was received.

The Chair closed the evidentiary portion of the meeting.

09-455 SKRUPSKI
THOMPSON

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner The Rural Municipality of Springfield (NE ¼ and SE ¼ 11-11-5E) for a variation of the Springfield Zoning By-Law No. 85-26 & amendments thereto; AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met; BE IT RESOLVED THAT Variation Order No. 09 - 67 be granted subject to the following conditions:
1. This order shall become null and void on the date that the new Zoning By-law No. 08-01 is adopted. CARRIED (5-1)

Subdivision 4189-09-5315 - Gerald & Ellen Sontag - NE 34-11-5E

Intent: To create two(2)lots from the existing 48.7-acre holding for residential purposes. Proposed Lot 1 will be for the existing yard site for a retiring farmer (5 acres(+/-), Proposed Lot 2 will be 25.09 acres(+/-), and Proposed residual lot will be 18.61(+/-)acres (+/-). An 80-foot wide right-of-way will also be retained through the middle of the property for future development.

Representations:

In Support: Gerald & Ellen Sontag
In Opposition: Patricia Allard

The Development Officer read his report.

Ms. Allard advised that she had concerns with future development as well as drainage in the area.

The Chair closed the evidentiary portion of the meeting.

09-456 VAAGS
THOMPSON

WHEREAS the owners Gerald & Ellen Sontag (Lot 2 Plan 34878 within NE ¼ 34-11-5E) have applied to create two (2) lots from the existing 48.7-acre holding for residential purposes. Proposed Lot 1 will be for the existing yard site for a retiring farmer (5 acres (+/-), Proposed Lot 2 will be 25.09 acres (+/-) and Proposed residual lot will be 18.61 acres (+/-). An 80-foot wide right-of-way will also be retained through the middle of the property for future development. BE IT RESOLVED THAT application for subdivision No. 4189-09-5313 be approved subject to the following conditions:

1. Payment of requisite fees (Administration Fee, Land Dedication Fees & Capital Lot Levy).
2. That a Surveyor's Building Location Certificate be prepared showing all existing buildings and structures, including the onsite wastewater system, in relation to the proposed property lines.
3. That any variation orders be obtained, if required, as a result of the Surveyor's Building Location Certificate.
4. That a Lot Grade Plan be prepared and sealed by a professional engineer and approved by the Public Works Department, as per the municipal drainage policy; and any drainage improvements shall be constructed prior to the issuance of any building permits for the property.
5. That the Developer enters into a development agreement, pertaining to any road upgrades, drainage, etc. if required.

CARRIED (5-1)

Subdivision 4189-09-5316 - Chase Mistelbacher - NE 1-10-7E

Purpose: To subdivide an approximate 24-acre(+/-) parcel, fragmented by Aqueduct Plan 2269, from approximately 142.05 acres.

Representations:

In Support: Chase Mistelbacher
In Opposition: None

For Information: Mark Wowchuk

The Development Officer read his report.

Mr. Wowchuk had concerns with future development on the property and drainage concerns.

The Chair closed the evidentiary portion of the meeting.

09-457 LUCKO
LALONDE

WHEREAS the owner Chase Mistelbacher (NE ¼ 1-10-7E) have applied to subdivide an approximate 24-acre (+/-) parcel, fragmented by Aqueduct Plan 2269, from approximately 142.05 acres;

BE IT RESOLVED THAT application for subdivision No. 4189-09-5316 be approved subject to the following conditions:

1. Payment of requisite fees (administration fee and Capital lot levy).
2. That a site area variation order be obtained for proposed Lot 1, to allow a site area of 24.0 acres (+/-) instead of 80 acres as required.
3. That a Lot Grade Plan be prepared and sealed by a professional engineer and approved by the Public Works Department, as per the municipal drainage policy, and any drainage improvements shall be constructed prior to the issuance of any building permits for the property.
4. The Developer shall enter into a development agreement, pertaining to any road upgrades, drainage, etc.
5. The Developer shall contact the City of Winnipeg Water and Waste Department to determine what upgrades are required to the Aqueduct in order to accommodate a new crossing. These requirements may be added in the Development Agreement.

CARRIED (6-0)

Adjournment

SKRUPSKI

THAT this meeting stand adjourned the time being 8:00 p.m.

CARRIED (6-0)

Peter Skrupski
Reeve

Lorne Vaags
Deputy Reeve