



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, December 15, 2015, 3:59 p.m.
Committee Room "E", City Hall

PRESENT: Ms. C. Ruys, Chair
Ms. L. DeLong
Ms. L. Lamon, at 4:27 p.m.
Mr. A. Sarkar
Mr. F. Sutter
Ms. D. Sackmann, Secretary

- 1. APPEAL NO. 40-2015
Refusal to Issue Development Permit
Proposed Multiple Unit Dwelling – Containing 4 Dwelling Units
(With Deficiencies in Site Depth, Site Area, and Rear Yard Setback and
Exceeding Maximum Building Height, Maximum Site Coverage,
and Gross Floor Ratio)
644 Spadina Crescent West – RM2 Zoning District
Crystal Bueckert on behalf of Peggy Finn**

The Board Chair briefly outlined the procedures that would be followed during the course of the hearing and introduced the members of the Board, the Secretary and the City's representative.

Appeared for the Appellant:

Ms. Crystal Bueckert, BLDG Studio Inc.

Appeared for the Respondent:

Ms. Paula Kotasek-Toth, Senior Planner, Planning & Development,
Community Services, City of Saskatoon

Grounds and Issues:

TAKE NOTICE that Crystal Bueckert on behalf of Peggy Finn has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the City's refusal to issue a Development Permit for a proposed accessory building at 644 Spadina Crescent West.

The property is zoned RM2 under *Zoning Bylaw No. 8770*.

Section 8.11.2(2) states that the minimum site depth of a multiple-unit dwelling containing three to six units must be 30 metres (98.425 ft.). This site has an average depth of 25.576 metres (83.911 ft.), resulting in a deficiency of 4.424 metres (14.514 ft.).

Section 8.11.2(2) states that the minimum site area for a multiple-unit dwelling containing three to six units must be 550 metres sq. (5,920 sq. ft.). This site has an area of 498.9 metres sq. (5,370 sq. ft.), which results in a deficiency of 51.1 metres sq. (550.036 sq. ft.).

Section 8.11.2(2) states that the minimum rear yard setback for a multiple-unit dwelling containing three to six units is 6 metres (19.685 ft.). A 2.952 metre (9.685 ft.) rear yard setback has been proposed, creating a deficiency of 3.048 metres (10 ft.).

Section 8.11.2(2) states that the maximum building height for a multiple-unit dwelling containing three to six units is 10 metres (32.808 ft.). A height of 10.4 metres (34.121 ft.) has been proposed for this development, creating a deficiency of 0.4 metres (1.312 ft.).

Section 8.11.4(2) states that the site coverage may be increased to 50% (from the allowable 40%) where more than 50% of the required parking is provided underground or enclosed as part of the principal building. All parking is shown as being enclosed. A 53.343% site coverage has been proposed for this development, creating a deficiency of 3.343% or 17 metres sq. (183 sq. ft.).

Section 8.11.7(1) states that the gross floor space ratio shall not exceed 1:1. A floor space ratio of 1.521:1 has been proposed, creating a gross floor space ratio deficiency of 0.521:1 or 258.6 metres sq. (2,783.547 sq. ft.).

The Appellant is seeking the Board's approval for the Development Permit as submitted.

Exhibits:

Exhibit A.1 Application to Appeal received November 25, 2015.

- Exhibit R.1 Letter dated November 20, 2015 from the Community Services Department, Planning & Development Division, to Crystal Bueckert, BLDG Studio Inc.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received December 3, 2015.
- Exhibit B.1 Notice of Hearing dated November 25, 2015.
- Exhibit B.2 Email from Jason Cronk opposing the appeal, received December 15, 2015.
- Exhibit B.3 Email from Jeff Wandzura opposing the appeal, received December 15, 2015

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearings to follow would be the truth. The Appellant, Crystal Bueckert, also affirmed that any evidence given in this hearing would be the truth.

The Appellant and Respondent provided evidence and arguments as outlined in the Record of Decision dated December 23, 2015.

The hearing concluded at 4:32 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated December 23, 2015, the Board determined that the appeal be DENIED.

**2. APPEAL NO. 38-2015
Refusal to Issue Development Permit
Proposed Accessory Building
(Situated Too Close to Principal Building)
Sami Istifo**

The Board Chair briefly outlined the procedures that would be followed during the course of the hearing and introduced the members of the Board, the Secretary and the City's representative.

Appeared for the Appellant:

Mr. Sami Istifo
Mr. George Ginther

Appeared for the Respondent:

Ms. Paula Kotasek-Toth, Senior Planner, Planning & Development,
Community Services, City of Saskatoon

Grounds and Issues:

Sami Istifo has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the City's refusal to issue a Development Permit for a proposed accessory building at 502 Brookhurst Lane.

The property is zoned R1A under *Zoning Bylaw No. 8770*.

1. Section 5.7(3)(g) states that no detached building or structure accessory to a one-unit dwelling shall be situated less than 1.2 metres from any portion of the principal building. On the site plan submitted, the proposed accessory building is noted as being 0.813 metres from the principal building. This creates a deficiency of 0.387 metres.

The Appellant is seeking the Board's approval for the Development Permit as submitted.

Exhibits:

- Exhibit A.1 Application to Appeal received November 19, 2015.
- Exhibit R.1 Letter dated November 9, 2015 from the Community Services Department, Planning & Development Division, to Sami Istifo.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 26, 2015.
- Exhibit B.1 Notice of Hearing dated November 20, 2015.
- Exhibit B.2 Email from Warren Mellor opposing the appeal, received on November 25, 2015.

Exhibit B.3 Letter from Terry Hoult and Daryl Koroluk opposing the appeal, received December 15, 2015.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellants, Sami Istifo and George Ginther, also affirmed that any evidence given in this hearing would be the truth.

The Appellants and Respondent provided evidence and arguments as outlined in the Record of Decision dated December 23, 2015.

The hearing concluded at 4:45 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated December 23, 2015, the Board determined that the appeal be DENIED.

**3. APPEAL NO. 39-2015
Refusal to Issue Development Permit
New Attached Front Deck to Existing Place of Worship
(With Deck Projection Deficiency in Required Front Yard)
228 Avenue G South – R2 Zoning District
Lyle Richards on behalf of The Rock Church**

The Board Chair briefly outlined the procedures that would be followed during the course of the hearing and introduced the members of the Board, the Secretary and the City's representative.

Appeared for the Appellant:

Mr. Lyle Richards, Cont-Tech General Contractors
Mr. Dallas Beutler, The Rock Church

Appeared for the Respondent:

Ms. Paula Kostek-Toth, Senior Planner, Planning & Development,
Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Lyle Richards on behalf of The Rock Church has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the City's refusal to issue a Development Permit for a proposed accessory building at 228 Avenue G South.

The property is zoned R2 under *Zoning Bylaw No. 8770*.

1. Section 5.8(2)(d) states that raised patios and decks more than 0.4 meters above grade may project no more than 1.8 meters into a required front yard. The current Bylaw for a R2 Zone requires a front yard building setback of 6 meters, which would result in a distance of 4.2 meters required between the front property line and a deck 0.4 meters or more above grade. Proposed is a deck over 0.4 meters above grade located 0.355 meters away from the front property line, projecting 5.645 meters into the required front yard. This results in a deck projection deficiency of 3.845 meters.

The Appellant is seeking the Board's approval for the Development Permit as submitted.

Exhibits:

- | | |
|-------------|---|
| Exhibit A.1 | Application to Appeal received November 24, 2015. |
| Exhibit A.2 | Letter and photographs submitted by the Appellant, received on December 9, 2015. |
| Exhibit A.3 | Document package submitted by the Appellant and containing drawings and support letters, received December 10, 2015 |
| Exhibit R.1 | Letter dated November 24, 2015 from the Community Services Department, Planning & Development Division, to Lyle Richards, Con-Tech Contractors Ltd. |
| Exhibit R.2 | Location Plan and Site Plan from Planning & Development Division, Community Services Department, received December 2, 2015. |
| Exhibit B.1 | Notice of Hearing dated November 25, 2015. |
| Exhibit B.2 | Email from Lyn Besse McGinnis supporting the appeal, received on December 4, 2015. |
| Exhibit B.3 | Email from Chris Ward, City Centre Church, supporting the appeal, received on December 9, 2015. |

Exhibit B.4 Letter from Sandra Stack, Executive Director, Friendship Inn, supporting the appeal, received December 11, 2015.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellants, Lyle Richards and Dallas Beutler, also affirmed that any evidence given in this hearing would be the truth.

The Appellants and Respondent provided evidence and arguments as outlined in the Record of Decision dated December 23, 2015.

The hearing concluded at 5:05 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated December 15, 2015, the Board determined that the appeal be GRANTED.

The meeting adjourned at 5:13 p.m.

Ms. Christine Ruys, Chair

Ms. Debby Sackmann, Secretary
Development Appeals Board