



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, August 29, 2017, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Mr. A. Sarkar, Chair
Ms. L. DeLong, Vice-Chair
Ms. L. Lamon
Ms. T. Lerat
Mr. F. Sutter
Ms. P. Walter, Secretary

**1. APPEAL NO. 17-2017
Zoning Bylaw Violation
Front Yard Fence
(Exceeding Maximum Allowable Height)
102 27th Street West – R2 Zoning District
Jing Lu**

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. Jing Lu

Appeared for the Respondent:

Ms. Jo-Anne Richter, Manager, Business Licensing & Bylaw Compliance, Community Standards, Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Jing Lu has filed an appeal under Section 219(1)(c) of *The Planning and Development Act, 2007*, in connection with a Notice of Zoning Bylaw Violation dated June 8, 2017 for the property located at 102 27th Street West.

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

Requirement: Section 5.1.3 Fences (1) states no wall, fence or other structure not otherwise permitted shall be erected in a required front yard or on a site line adjacent to a required front yard, to a height of more than 1.0 metres above grade level.

Proposed: The existing fence is 1.54 metres (5 feet) above grade level.

Deficiency: The fence in the required front yard exceeds the allowable height by 0.54 metres (1.77 feet)

Exhibits:

Exhibit A.1 Application to Appeal received June 27, 2017.

Exhibit R.1 Letter dated June 8, 2017 from the Community Services Department, Planning & Development Division, to Jing Lu.

Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received August 8, 2017.

Exhibit B.1 Notice of Hearing dated June 29, 2017.

Exhibit B.2 Email from Ken Achs of Mid-West Group of Companies supporting the appeal received on July 13, 2017.

Exhibit B.3 Letter from Laurel Beyer supporting the appeal, received on July 18, 2017.

Supplementary Notations:

The City's representative, Business Licensing & Bylaw Compliance Manager Richter, affirmed that any evidence given in this hearing would be the truth. The Appellant, Ms. Lu, 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 September 20, 2017.

The hearing concluded at 4:15 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated September 20, 2017, the Board determined that the appeal be GRANTED.

Business Licensing & Bylaw Compliance Manager Richter excused herself from the meeting at 4:15 p.m.

2. APPEAL NO. 20-2017
Refusal to Issue Development Permit
Conversion of One-Unit Dwelling
with Attached Indoor Swimming Pool into a Two-Unit Dwelling
(Rear Yard Setback Deficiency)
1705 Shannon Crescent – R2 Zoning District
Cole Hunter

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. Blayre Joa

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Cole Hunter, 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 conversion of one-unit dwelling into a two-unit dwelling at 1705 Shannon Crescent.

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

1. Requirement: The Zoning Bylaw requires a 7.5 metres rear yard setback for a two-unit dwelling.

Proposed: The site plan identifies a 5.2 metres rear yard setback.

Deficiency: The rear yard setback is deficient 2.3 metres.

The Appellant is seeking the Board's approval for a two-unit dwelling as proposed.

PRELIMINARY ISSUES:

The Board requested that the letter from Brian and Sharon Elder, dated August 24, 2017 previously labeled as Exhibit A.2 be changed to Exhibit B.6. Both parties agreed.

Exhibits:

- Exhibit A.1 Application to Appeal received August 2, 2017.
- Exhibit R.1 Letter dated August 3, 2017 from the Community Services Department, Planning & Development Division, to Cole Hunter.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received August 17, 2017.
- Exhibit B.1 Notice of Hearing dated August 15, 2017.
- Exhibit B.2 Email from Dennis Dibski opposing the appeal, received on August 17, 2017.
- Exhibit B.3 Email from Sheri Reddekopp and Jesse Morgan supporting the appeal, received August 21, 2017.
- Exhibit B.4 Letter from Ella Blake supporting the appeal, received August 24, 2017.
- Exhibit B.5 Email Noreen Donald and Bryan Tastad supporting the appeal, received August 25, 2017.
- Exhibit B.6 Support letter signed by Brian and Sharon Elder, submitted by the Appellant on August 24, 2017.

Supplementary Notations:

The City's representative, Senior Planner Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearing to follow, would be the truth. The Appellant, Ms. Joa, 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 September 20, 2017.

The hearing concluded at 4:24 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated September 20, 2017, the Board determined that the appeal be GRANTED.

Mr. Sarkar excused himself from the meeting at 4:25 p.m. Ms. DeLong assumed Chair.

**3. APPEAL NO. 21-2017
Development Permit Denial
Construction of an Accessory Building
(Exceeding Maximum Rear Yard Coverage)
105 Phillips Crescent – R2 Zoning District
Bill McKay**

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. Kevin Traves

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Bill McKay, 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 construction of an accessory building at 105 Phillips Crescent.

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

1. Requirement: Section 5.7(5) states that the maximum permitted coverage in a rear yard shall be determined by means of Graph No. 5.7(5). The subject property has a lot area of 536.515 m², which correlates to a maximum rear yard coverage of 30%.

Proposed: The site plan identifies a rear yard area of 209.232m². The proposed accessory building has an area of 67.63m². The proposed rear yard coverage is 32.32% (67.63m²/209.232m²).

Deficiency: The rear yard coverage exceeds the maximum permitted by 2.32%.

The Appellant is seeking the Board's approval for an accessory building as proposed.

Exhibits:

- Exhibit A.1 Application to Appeal received August 14, 2017.
- Exhibit R.1 Letter dated August 9, 2017 from the Community Services Department, Planning & Development Division, to Bill McKay.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received August 17, 2017.
- Exhibit B.1 Notice of Hearing dated August 15, 2017.

Supplementary Notations:

The City's representative, Senior Planner Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellant, Mr. Traves, 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 September 15, 2017.

The hearing concluded at 4:34 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated September 15, 2017, the Board determined that the appeal be GRANTED.

4. ADOPTION OF MINUTES

Moved By: Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on July 11, 2017 and July 25, 2017, be adopted.

CARRIED

The meeting adjourned at 4:40 p.m.

Ms. Leanne DeLong, A/Chair

Ms. Penny Walter, Secretary
Development Appeals Board