



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, April 21, 2015, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Ms. C. Ruys, Chair
Ms. L. DeLong
Ms. L. Lamon
Mr. A. Sarkar
Committee Assistant P. Walter, Secretary

**1. APPEAL NO. 12-2015
Refusal to Approve Subdivision Application
Two Proposed Residential Sites
(With Site Width Deficiency on Proposed Lot 87)
130 – 110th Street West – R2 Zoning District
Tyler Grand, Grand Estates Ltd.**

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:

Tyler Grand, Grand Estates Ltd.

Appeared for the Respondent:

Paula Kotasek-Toth, City of Saskatoon, Community Services Department,
Planning and Development Division

Sharon Smart, City of Saskatoon, Community Services Department,
Planning and Development Division

Others in Attendance:

Doug Kopko, property owner of 135 – 112th Street

Grounds and Issues:

THE APPELLANT, Tyler Grand, Grand Estates Ltd., has filed an appeal under Section 228(1) of *The Planning and Development Act, 2007*, in connection with the refusal to approve Subdivision Application No. 87/14, for the property located at 130 110th Street West.

The property is zoned R2 under Zoning Bylaw 8770.

The intent of the subdivision proposal is to create two sites to accommodate two separate one-unit dwellings.

The Standing Policy Committee on Planning, Development and Community Services, at its meeting held on March 2, 2015, denied the subdivision application on the basis that the proposal does not conform to the development standards of the Zoning Bylaw No. 8770 regarding minimum site width for a one or two-unit dwellings.

Section 8.4.4(2) of the Zoning Bylaw states that the site width for the construction of new one-unit dwellings in established neighbourhoods shall be at least 70 percent of the average site width for one and two-unit dwelling sites fronting on the subject block face and the opposite block face, but in no case shall the site width be less than 7.5 metres. In accordance with the 70 percent site width calculation, the required site width for the 100 Block of 110th Street West is 10.97 metres.

Based on the information provided, proposed Lot 87 shows a site width of 8.55 metres. As a result, the lot is deficient in width by 2.42 metres.

The Appellant is seeking the Board's approval for the subdivision application as submitted.

Exhibits:

- Exhibit A.1 Application to Appeal received March 24, 2015.
- Exhibit A.2 Appellant's presentation, received April 20, 2015.

- Exhibit R.1 Letter dated March 4, 2015 from the Office of the City Clerk to Webb Surveys.
- Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received April 13, 2015.

- Exhibit B.1 Notice of Hearing dated March 27, 2015.

Supplementary Notions:

The City's representatives, Paula Kotasek-Toth and Sharon Smart, affirmed that any evidence given in this hearing and in the hearings to follow would be the truth. The Appellant, Tyler Grand, and neighbouring property owner, Doug Kopko, also affirmed that any evidence given in this hearing would be the truth.

The Appellant, Respondents, and neighbouring property owner provided evidence and arguments as outlined in the Record of Decision dated May 5, 2015.

The hearing concluded at 4:27 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated May 5, 2015, the Board determined that the appeal be DENIED.

2. **APPEAL NO. 13-2015**
Refusal to Issue Development Permit
Order to Remedy Contravention
Two-Unit Dwelling Illegally Converted into a Multiple-Unit Dwelling
Containing Three Dwelling Units
(Requiring Removal of One Basement Dwelling Unit)
419 – 108th Street West – R2 Zoning District
Donald Rice
-

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:

The appellant was not in attendance.

Appeared for the Respondent:

Paula Kotasek-Toth, City of Saskatoon, Community Services Department,
Planning and Development Division

Sharon Smart, City of Saskatoon, Community Services Department,
Planning and Development Division

Grounds and Issues:

THE APPELLANT, Donald Rice has filed an appeal under Section 219(1)(c) of *The Planning and Development Act, 2007*, in connection with the Order to Remedy Contravention dated March 26, 2015 at 419 108th Street West.

The Order to Remedy Contravention was issued for this property on February 25, 2015 pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

“Contravention”

1. Building Permit 448/1956 was issued for a new one-unit dwelling. Building Permit 1901/1962 was then issued for addition/alteration to one-unit dwelling/west side addition of two bedrooms and new roof, and Building Permit 582/64 was issued for alterations to a one-unit dwelling/basement suite. The property located at 419 108th Street West has been altered and is being used a multiple-unit dwelling.
2. The form of development at 419 108th Street West has been altered into a multiple-unit dwelling consisting of three dwelling units. Such a development is illegal.
3. The basement of the building is developed into two separate dwelling units containing kitchens with kitchen cabinets, kitchen sinks, refrigerators, table and chairs, sanitary facilities and sleeping accommodations.

You are hereby ordered to:

1. On or before April 20, 2015, cease using or permitting the use of the property at 419 108th Street West for the purposes of a multiple-unit dwelling and removing occupants in the illegal dwelling unit.
2. One or before May 4, 2015, remove the illegal dwelling unit by removing kitchen elements including all upper and lower kitchen cabinets, kitchen sink, refrigerator, stove and stove outlet (outlet removed and covered over with drywall and wires removed from the electrical panel) any other cooking appliances, kitchen table and chairs, and provide unrestricted interior access by removing any locking passage sets that separate living spaces.

Section:

4.2(1); 4.3.1(1); 8.4, and 2.0 “dwelling, multiple unit” of Zoning Bylaw No. 8770.”

The Appellant is appealing the above-referenced Order to Remedy Contravention.

Exhibits:

- Exhibit A.1 Application to Appeal received March 26, 2015.
- Exhibit R.1 Letter dated February 25, 2015 from the Community Services Department, Planning and Development Division, to Ruby Rice and Donald Rice.
- Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received April 13, 2015.
- Exhibit B.1 Notice of Hearing dated March 30, 2015.
- Exhibit B.2 Support letter from Evelyn Yuzik received April 9, 2015

Supplementary Notions:

The City’s representatives, Paula Kotasek Toth and Sharon Smart, affirmed in the previous hearing that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellant was not in attendance.

The Appellant provided evidence and arguments as outlined in the Record of Decision dated May 5, 2015.

The hearing concluded at 4:34 p.m. City representative Sharon Smart left the session at 4:34 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated May 5, 2015, the Board determined the following:

- 1) that the appeal on the issue of allowing one small freestanding lower cabinet component to remain in place be GRANTED;
- 2) that the date for compliance to remove the basement occupants be UPHELD; and

- 3) that the time for completion of removal of the kitchen elements including upper and lower kitchen cabinets (with exception to the small freestanding cabinet component), kitchen sink, refrigerator, stove and stove outlet (outlet removed and covered over with drywall and wires removed from the electrical panel) any other cooking appliances, kitchen table and chairs and provide unrestricted interior access by removing any locking passages sets that separate living spaces be UPHELD.

3. APPEAL NO. 14-2015
Refusal to Issue Development Permit
Proposed One-Unit Dwelling
(With Front Yard Setback Deficiency)
1234 13th Street East – R2 Zoning District
Ben Mickleborough on behalf of Kenton and Jody Shynkaruk

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:

Ben Mickleborough, Greystone Homes
Kenton Shynkaruk, owner

Appeared for the Respondent:

Paula Kotasek-Toth, City of Saskatoon, Community Services Department,
Planning and Development Division

Grounds and Issues:

THE APPELLANT, Ben Mickleborough on behalf of Kenton and Jody Shynkaruk, Greystone Homes has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the refusal to issue Development Permit for a proposed one-unit dwelling with a front yard setback deficiency, for the property located at 1234 13th Street East.

The property is zoned R2 under Zoning Bylaw 8770.

Section 8.4.2(1) of the Zoning Bylaw states that the minimum front yard setback for one-unit dwellings in the R2 district is 6 metres (19.69 feet).

Based on the information provided, the front yard setback is 5.55 metres (18.21 feet). This equals a front yard setback deficiency of 0.45 metres (1.48 feet).

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

Exhibits:

- Exhibit A.1 Application to Appeal received March 31, 2015.
- Exhibit A.2 Five photographs submitted by the appellant, received April 14, 2015.
- Exhibit A.3 Development Appeal Decision 30-2014, submitted by the Appellant, received April 14, 2015.
- Exhibit A.4 Development Appeal Decision 21-2012, submitted by the Appellant, received April 14, 2015.
- Exhibit A.5 Development Appeal Decision 19-2012, submitted by the Appellant, received April 14, 2015.

- Exhibit R.1 Letter dated March 27, 2015 from the Community Services Department, Planning and Development Division, to Ben Mickleborough.
- Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received April 13, 2015.

- Exhibit B.1 Notice of Hearing dated April 1, 2015.
- Exhibit B.2 Support email from Colette Wheler, received April 9, 2015
- Exhibit B.3 Support email from Kathleen Wheler, received April 9, 2015
- Exhibit B.4 Support email from Russel and Susan Pashovitz, received April 20, 2015
- Exhibit B.5 Support email from Carmen and Jon Gamble, received April 20, 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, Ben

Mickleborough and Kent Shynkaruk, also affirmed that any evidence given in this hearing would be the truth.

The Appellant and Respondents provided evidence and arguments as outlined in the Record of Decision dated May 5, 2015.

The hearing concluded at 4:54 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated May 5, 2015, the Board determined that the appeal be GRANTED.

4. ADOPTION OF MINUTES

4.1 Minutes of Regular Meeting of the Development Appeals Board on February 24, 2015

Moved by: L. DeLong

That the minutes of meeting held on February 24, 2015, be adopted.

CARRIED

4.2 Minutes of Regular Meeting of the Development Appeals Board on March 10, 2015

Moved by: L. DeLong

That the minutes of meeting held on March 10, 2015, be adopted.

CARRIED

4.3 Minutes of Regular Meeting of the Development Appeals Board on March 24, 2015

Moved by: L. DeLong

That the minutes of meeting held on March 24, 2015, be adopted.

CARRIED

5. ADJOURNMENT

Moved by: L. Lamon

That the meeting be adjourned.

CARRIED

The meeting adjourned at 5:07 p.m.

Ms. Christine Ruys, Chair