



**PUBLIC MINUTES  
DEVELOPMENT APPEALS BOARD**

Tuesday, November 15, 2016, 4:00 p.m.  
Committee Room "E", City Hall

PRESENT: Ms. L. DeLong, A/Chair  
Ms. L. Lamon  
Mr. F. Sutter  
Ms. P. Walter, Secretary

- 1. APPEAL NO. 48-2016  
Order to Remedy Contravention  
Front and Side Yard Fence  
(Requiring Reduction of Fence Height)  
704 Central Avenue – M1 Zoning District  
Cathy Hansell**

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. Cathy Hansell

**Appeared for the Respondent:**

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

Ms. Sharon Smart, Bylaw Inspector, Community Standards, Community Services,  
City of Saskatoon

**Appeared for the Appeal:**

Mr. Brian Curtis

**Grounds and Issues:**

THE APPELLANT, Cathy Hansell 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 October 7, 2016, for the property located at 704 Central Avenue.

The Order to Remedy Contravention was issued for this property on October 7, 2016, pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

**“Contravention:**

1. The property at 704 Central Avenue is located in M1 zoning. In M1 zoning 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. The form of development has been altered.
2. In M1 zoning no wall, fence screen or similar structure, excepting permitted accessory buildings, shall be erected in a required side or rear yard, or on a site line adjacent to a required side or rear yard, to a height of more than 2.0 metres above grade level.
3. A fence has been erected in the required front yard to a height of more than 1.0 metres above grade level which is not permitted. This includes any and all parts of the fence located in the required front yard.
4. A fence has been erected in the required side yard to a height of more than 2.0 metres above grade level which is not permitted. This includes any and all parts of the fence located in the required side yard.

**You are hereby ordered to:**

1. On or before November 14, 2016, reduce the height of the fence at the site known as 704 Central Avenue, located in the required front yard, to a height of no more than 1.0 metres above grade level to meet the requirements in an M1 Zoning District.
2. On or before November 14, 2016, reduce the height of the fence at the site known as 704 Central Avenue, in the required side yard to a height of no more than 2.0 metres above grade level to meet the requirements in an M1 Zoning District.

**Section:**

4.2(1); 4.3.1(1); 5.13 (1) and (2); 9.1; and 2.0 “alteration or altered”, “grade level”, “site”, “structure”, “yard”, “yard, front”, “yard, required” and “required, side” of the *Zoning Bylaw No. 8770.*”

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

**Exhibits:**

- Exhibit A.1 Application to Appeal received October 21, 2016.
- Exhibit A.2 Letter from Appellant, dated and received on November 3, 2016.
  
- Exhibit R.1 Order dated October 7, 2016 from the Community Services Department, Planning & Development Division, to Action Group of Companies Inc. c/o Patrick Wolfe.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 7, 2016.
  
- Exhibit B.1 Notice of Hearing dated November 2, 2016.
- Exhibit B.2 Letter from Brian Curtis, Action Property (property owner), supporting the appeal, received on November 2, 2016.
- Exhibit B.3 Letter opposing the appeal from Chris Mourot, Property Manager, 706 Central Avenue, received November 14, 2016.
- Exhibit B.4 Diagram from Brian Curtis, dated November 15, 2016.

**Supplementary Notions:**

The City’s representatives, Business License & Bylaw Compliance Manager Richter and Bylaw Inspector Smart, affirmed that any evidence given in this hearing would be the truth. The Appellant, Cathy Hansell, and neighbouring property owner, Brian Curtis, 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 December 6, 2016.

The hearing concluded at 4:50 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated December 6, 2016, the Board determined that

- 1) the date for compliance to reduce the height of the fence at the site known as 704 Central Avenue, in the required side yard to a height of not more than 2.0 metres above grade level and removal of the 10 foot fence panel be extended to May 1, 2017;
- 2) the appeal on the issue of reducing the height of the chain-link fence at the site known as 704 Central Avenue, located in the front yard be GRANTED.

Business License and Bylaw Compliance Manager Richter and Bylaw Inspector Smart excused themselves from the meeting at 4:52 p.m.

**2. APPEAL NO. 49-2016**  
**Refusal to Issue Development Permit**  
**Conversion of Covered Swimming Pool to Living Space**  
**(With Rear Yard Setback Deficiency)**  
**203 David Knight Crescent – R1A Zoning District**  
**Barry Willick**

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. Barry Willick

**Appeared for the Respondent:**

Ms. Catherine Kambeitz, Senior Planner, Planning & Development,  
Community Services, City of Saskatoon

**Grounds and Issues:**

THE APPELLANT, Barry Willick 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 covered pool into living space at 203 David Knight Crescent.

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

Section 8.2.2(1) states a minimum rear yard setback of 7.5 metres is required.

The site plan submitted shows the rear yard setback from the closest exterior wall of the enclosed swimming pool area to the rear property line is approximately +/- 2.896 metres (+/- 9.5 feet). Converting the existing attached covered pool into living space would result in a rear yard setback deficiency of approximately 4.604 metres (+/- 15.105 feet).

The Appellant is seeking the Board's approval for conversion of covered swimming pool into living space as proposed.

**Exhibits:**

- Exhibit A.1 Application to Appeal received October 28, 2016.
- Exhibit A.2 Letter, plans of survey, and photographs submitted by the appellant, received November 10, 2016.
  
- Exhibit R.1 Letter dated October 7, 2016 from the Community Services Department, Planning & Development Division, to Jordan Willick, Willick Contracting.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 4, 2016.
  
- Exhibit B.1 Notice of Hearing dated October 28, 2016.
- Exhibit B.2 Email from Elroy and Debbie Baumann supporting the appeal, received November 14, 2016.

**Supplementary Notions:**

The City's representative, Senior Planner Catherine Kambeitz, affirmed that any evidence given in this hearing would be the truth. The Appellant, Barry Willick, 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 6, 2016.

The hearing concluded at 5:52 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated December 6, 2016, the Board determined that the appeal be GRANTED.

**3. ADOPTION OF MINUTES**

**Moved By:** Mr. Sutter

That the minutes of meeting of the Development Appeals Board held on October 4, 2016 and October 18, 2016, be adopted.

**CARRIED**

The meeting adjourned at 5:08 p.m.

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Leanne DeLong, A/Chair

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Ms. Penny Walter, Secretary  
Development Appeals Board