



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, August 16, 2016, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Mr. A. Sarkar, Chair
Ms. L. Lamon
Ms. T. Lerat
Mr. F. Sutter
Ms. H. Thompson, Secretary

- 1. APPEAL NO. 35-2016
Development Permit Denial
Proposed Private School
(Multiple Parking and Loading Spaces Deficiencies)
817 – 29th Street West – B2 Zoning District
Dance Ink 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:

Mr. Matthew Gallant
Ms. Ashley Berrns
Mr. Brad Berrns

Appeared for the Respondent:

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

Mr. Daniel McLaren, Planner, Planning & Development, Community Services, City
of Saskatoon

Grounds and Issues:

THE APPELLANT, Dance Ink Ltd. 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 Private School at 817 29th Street West.

The Appellant is appealing the following deficiencies:

Section 6.2(2)(l)(i) states that 1 barrier-free parking space has to be provided for any required parking facility accommodating between 4 to 100 parking spaces. The site plan submitted shows no parking spaces that meet the 3.9 metre by 6.0 metre barrier-free dimensions. This results in a shortage of 1 barrier-free parking space.

Section 6.2(2)(e)(iii) states that parking spaces having direct access to a back alley have to be a minimum of 2.7 metres by 6.7 metres in size. The site plan submitted shows the 3 parking spaces off the back lane are 2.7 metres by 6.25 metres in size. This results in a shortage of 0.45 metres on the length of all 3 parking spaces.

Section 6.2(2)(e)(vii) states that loading spaces must be a minimum of 3.0 metres by 7.5 metres in size. The site plan submitted shows the loading space size is 3.0 metres by 6.25 metres. This results in a shortage of 1.25 metres on the length of the loading space size.

Section 6.2(2)(f) states that all required parking and loading spaces need to have direct access to a driveway, drive aisle or lane leading to a public street without excessive vehicular maneuvering required. Driveways and drive aisles which provide access to parking or loading spaces with angled parking between 75 and 90 degrees have to be a minimum of 6.0 metres in size. The site plan submitted shows the drive aisle leading to the parking space in the front yard is 2.7 metres. This results in the drive aisle being 3.3 metres smaller than allowable.

The Appellant is seeking the Board's approval for allowance of the above-noted deficiencies of the *Zoning Bylaw No. 8770*.

Exhibits:

- Exhibit A.1 Application to Appeal received July 20, 2016.
- Exhibit A.2 Site Plan submitted by Dance Ink Ltd., received on July 22, 2016;
- Exhibit A.3 Email and Site Photographs submitted by Dance Ink Ltd., received on July 25, 2016.

- Exhibit A.4 Support letters submitted by Dance Ink Ltd., received on August 10, 2016.
- Exhibit A.5 Written submission, support letters and diagram submitted by the Appellant to the Board at the hearing on August 15, 2016.
- Exhibit R.1 Letter dated July 19, 2016 from the Community Services Department, Planning & Development Division, to Dance Ink Ltd.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received August 4, 2016.
- Exhibit B.1 Notice of Hearing dated July 28, 2016.

Supplementary Notions:

The City's representative, Daniel McLaren, affirmed that any evidence given in this hearing would be the truth. The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellants, Matthew Gallant, Ashley Berrns and Brad Berrns, also affirmed that any evidence given in this hearing would be the truth.

The Appellants and Respondents provided evidence and arguments as outlined in the Record of Decision dated September 1, 2016.

Planner McLaren exited the session upon the hearing's conclusion at 4:50 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated September 1, 2016, the Board determined that the appeal is **GRANTED** with respect to length of the required parking spaces subject to the revised proposed site plan, submitted as Exhibit B, be presented and approved by Planning & Development, Community Services, City of Saskatoon.

**2. APPEAL NO. 36-2016
Development Permit Denial
Proposed Dwelling Group
(Maximum Site Coverage Deficiency)
619 and 715 Evergreen Boulevard – RMTN Zoning District
Kindrachuk Agrey Architecture on behalf of 101271833 Saskatchewan 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:

Mr. Derek Kindrachuk, Kindrachuk Agrey Architecture
Mr. Matthew Mann, Riverbend Development Ltd.
Mr. Al Reisinger, Riverbend Development Ltd.

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Kindrachuk Agrey Architecture has filed an appeal on behalf of 101271833 Saskatchewan Ltd. 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 Dwelling Group (88 Units) at 619 and 715 Evergreen Boulevard.

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

Section 8.8.2(1) states that the maximum site coverage for a dwelling group within the RMTN Zoning District is 30%.

The site plan submitted shows a site coverage of 37.650% for the buildings and detached garages.

As a result, the maximum site coverage for this development exceeds the maximum allowable site coverage by 7.65%.

The Appellant is seeking the Board's approval to construct the proposed dwelling group exceeding the maximum allowable site coverage.

Exhibits:

- Exhibit A.1 Application to Appeal received July 28, 2016.
- Exhibit A.2 Document submitted by Kindrachuk Agrey Architecture, received August 11, 2016.
- Exhibit R.1 Letter dated July 27, 2016 from the Community Services Department, Planning & Development Division, to Derek Kindrachuk.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received August 4, 2016.
- Exhibit B.1 Notice of Hearing dated July 29, 2016.
- Exhibit B.2 Email from Brenden Wehrkamp opposing the appeal, received on August 3, 2016
- Exhibit B.3 Email from Christine Kary opposing the appeal, received on August 3, 2016.
- Exhibit B.4 Email from Mark Myers opposing the appeal, received on August 9, 2016.
- Exhibit B.5 Email from Octavia Iliuta and Rebecca Anderson opposing the appeal, received on August 8, 2016.
- Exhibit B.6 Email from Keith and Catherine Gudmundson opposing the appeal, received on August 9, 2016.
- Exhibit B.7 Email from Shawn and Bernadine Ochitwa opposing the appeal, received on August 9, 2016.
- Exhibit B.8 Email from Carmen Hankewich and Leonard Meuner opposing the appeal, received on August 9, 2016.
- Exhibit B.9 Email from Rob Skotnitsky opposing the appeal, received on August 14, 2016.
- Exhibit B.10 Email from Barbara Giles and Dan Brown opposing the appeal, received on August 16, 2016.
- Exhibit B.11 Email from Rich and Jackie Pilon opposing the appeal, received on August 16, 2016

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing would be the truth. The Appellants, Derek Kindrachuk, Matthew Mann, and Al Reisinger, 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 September 1, 2016.

The hearing concluded at 5:22 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated September 1, 2016, the Board determined that the appeal is **DENIED.**

3. **APPEAL NO. 37-2016**
Development Permit Denial
Proposed Front Deck
(Front Yard Deficiency)
431 Avenue E South – R2 Zoning District
Neil McMillan on behalf of Tony and Julie Kaye

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:

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

Grounds and Issues:

THE APPELLANT, Neil McMillan 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 front deck addition to a one-unit dwelling at 431 Avenue E South.

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

Section 5.8 (2)(d) states that raised patios and decks more than 0.4 metres above grade, may project into a required front yard up to 1.8 meters. The current zoning bylaw requires a front yard of 6 metres.

The site plan submitted shows the proposed deck projecting 2.87 metres into a 6 metre required front yard. As a result, the front yard setback will have a deficiency of 1.07 metres.

The Appellant is seeking the Board's approval to construct a front deck addition to a one-unit dwelling creating a shortage of 1.07 metres.

Exhibits:

- Exhibit A.1 Application to Appeal received August 2, 2016.
- Exhibit R.1 Letter dated July 20, 2016 from the Community Services Department, Planning & Development Division, to Neil McMillan.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received August 5, 2016.
- Exhibit B.1 Notice of Hearing dated August 3, 2016.
- Exhibit B.2 Email from Lorne and Betty Calvert supporting the appeal, received on August 5, 2016.
- Exhibit B.3 Email from Jen Budney supporting the appeal, received on August 6, 2016.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing would be the truth. The Appellant, Neil McMillan, was absent from the hearing.

The Respondent provided evidence and arguments as outlined in the Record of Decision dated September 1, 2016.

The hearing concluded at 5:30 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated September 1, 2016, the Board determined that the appeal be **GRANTED**.

The meeting adjourned at 5:42 p.m.

Mr. Asit Sarkar, Chair

Ms. Holly Thompson, Secretary
Development Appeals Board