



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, February 2, 2016, 4:02 p.m.
Committee Room "E", City Hall

PRESENT: Mr. A. Sarkar, Chair
Ms. L. DeLong, Vice Chair
Ms. L. Lamon
Mr. F. Sutter
Mr. B. Wiebe
Ms. D. Sackmann, Secretary

**1. APPEAL NO. 4-2016
Order to Remedy Contravention
Fence in Rear Yard Exceeding Maximum Allowable Height
(Exceeding More Than 2.0 metres Above Grade)
330 Sherry Crescent – R1A Zoning District
Raelene and Darrell Perlitz**

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. Darrell Perlitz
Mrs. Raelene Perlitz

Appeared for the Respondent:

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

Mr. Leonard Cherepacha, Supervisor, Bylaw Inspection, Planning & Development,
Community Services, City of Saskatoon

Mr. Logan Clewes, Bylaw Inspector, Planning & Development,
Community Services, City of Saskatoon

Ms. Sherry Paulson, Bylaw Inspector, Planning & Development,
Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Raelene and Darrell Perlitz have filed an appeal under Section 219(1)(c) of The Planning and Development Act, 2007, in connection with an Order to Remedy Contravention dated December 4, 2015 for the property located at 330 Sherry Crescent.

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

“Contravention”

The fence located in the required rear yard of 330 Sherry Crescent has been altered to a height exceeding 2.0 metres above grade level.

You are hereby ordered to:

On or before February 1, 2016, reduce the height of the fence in the required rear yard to a height of no more than 2.0 metres above grade level.

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

Exhibits:

- Exhibit A.1 Application to Appeal received January 4, 2016.
- Exhibit R.1 Letter dated December 4, 2015 from the Community Services Department, Planning & Development Division, to Darrell and Raelene Perlitz.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received January 19, 2016.
- Exhibit B.1 Notice of Hearing dated January 18, 2016.
- Exhibit B.2 Opposition letter from Arlene and Pete Predinchuk, received on January 25, 2016.
- Exhibit B.3 Support email from Connie and Dennis Loney, received on January 27, 2016.
- Exhibit B.4 Support email from Wendy Eddy and Curtis Klaschinsky, received January 31, 2016.

Exhibit B.5 Additional material submitted by Arlene and Pete Predinchuk, received February 2, 2016.

Supplementary Notions:

The City's representatives, Jo-Anne Richter, Logan Clewes, Sherry Paulson and Leonard Cerepacha, affirmed that any evidence given in this hearing and in the hearings to follow would be the truth. The Appellants, Darrell and Raelene Perlitz, 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 February 16, 2016.

The hearing concluded at 4:30 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 16, 2016, the Board determined that the requirements of the Order to Remedy Contravention, dated December 4, 2015, with respect to the property at 330 Sherry Crescent be **UPHELD** and the date for compliance be **EXTENDED** to **May 31, 2016**.

2. **APPEAL NO. 2-2016**
Order to Remedy Contravention
Illegal Use of a Two-Unit Dwelling as a Multiple-Unit Dwelling Containing Four Dwelling Units
(Requiring Removal of South Side Main Floor Dwelling Unit and Both Basement Dwelling Units)
803 Avenue I South – R2 Zoning District
Ivan Toledo, 101099189 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. Ivan Toledo

Appeared for the Respondent:

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

Mr. Leonard Cherepacha, Supervisor, Bylaw Inspection, Planning & Development,
Community Services, City of Saskatoon

Ms. Sherry Paulson, Bylaw Inspector, Planning & Development,
Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Ivan Toledo, 101099189 Saskatchewan Ltd., 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 November 26, 2015 at 803 Avenue I South.

The Order to Remedy Contravention was issued for this property on November 19, 2015 pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

“Contravention”

Building Permit No. 1059/1997 was issued for a Residential Care Home Type II. The legal use of this property is Residential Care Home Type II. The form of development at 803 Avenue I South has been altered into a multiple unit dwelling consisting of four dwelling units. Such a development is illegal.

The main floor south side and basements have been developed into three separate dwelling units containing sleeping facilities, sanitary facilities and kitchens with kitchen cabinets, kitchen sinks, refrigerators and table and chairs.

You are hereby ordered to:

On or before January 15, 2016, cease using or permitting the use of 803 Avenue I South for the purposes of a multi-unit dwelling by removing the basement occupants, and

On or before February 1, 2016, alter the form of development so as to remove the contravention by removing the main floor south side dwelling

unit and both basement dwelling units. Remove all upper and lower kitchen cabinets except for the cabinet directly beneath the kitchen sink, refrigerators, stove outlets (wires capped off behind the wall, covered over and wires removed from the electrical panel), stoves, any other cooking appliances and kitchen tables and chairs are to be removed and provide unrestricted free interior access throughout the entire dwelling and remove any locking passage sets that separate living spaces.

Section:

4.2(1); 4.3.1(1); 8.4 and 2.0 "dwelling unit" 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 December 24, 2015.
- Exhibit A.2 Tenant Impact letter from Ms. Liz Karakausky, received February 2, 2016.
- Exhibit R.1 Order dated November 26, 2015 from the Community Services Department, Planning & Development Division, to 101099189 Saskatchewan Ltd.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received January 19, 2016.

- Exhibit B.1 Notice of Hearing dated January 18, 2016.

Supplementary Notions:

The City's representatives, Jo-Anne Richter, Leonard Cherepacha, and Sherry Paulson, affirmed in the previous hearing that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellant, Ivan Toledo, 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 February 16, 2016.

The hearing concluded at 5:34 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 16, 2016, the Board determined that the requirements of the Order to Remedy Contravention, dated November 26, 2015, with respect to the property at 803 Avenue I South be **UPHELD** and the date for compliance be **EXTENDED** to March 1, 2016.

3. APPEAL NO. 5-2016
Order to Remedy Contravention
Prohibited Use of Property for
Outside Storage of Goods and Materials
120 Avenue I South – B3 Zoning District
Randy Holfeld, Saskatoon Public Schools

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. Randy Holfeld, Saskatoon Public Schools
Mr. Ivan Englesman, Saskatoon Public Schools

Appeared for the Respondent:

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

Mr. Leonard Cherepacha, Supervisor, Bylaw Inspection, Planning & Development,
Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Randy Holfeld, Saskatoon Public Schools, has filed an appeal under Section 219(1)(c) of The Planning and Development Act, 2007, in connection with an Order to Remedy Contravention dated December 7, 2015 for the property located at 120 Avenue I South.

The Order to Remedy Contravention was issued for this property on December 7, 2015 pursuant to Section 242(4) of The Planning and Development Act, 2007, and the Order states as follows:

“Contravention

The property located at 120 Avenue I South is being used for the purpose of outside storage of goods and material such as shipping containers, gravel piles, concrete steps metal poles and other forms of material which is not a permitted use.

You are hereby ordered to:

On or before May 2, 2016, cease using or permitting the use of 120 Avenue I South for the purpose of outside storage removing all goods, commodities or other form of material with the exception of vehicles, marine equipment or trailer coaches.”

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

Exhibits:

- Exhibit A.1 Application to Appeal received January 6, 2016.
- Exhibit R.1 Order dated December 7, 2015 from the Community Services Department, Planning & Development Division, to Randy Holfeld, Board of Education, Saskatoon School Division No. 13 of Saskatchewan.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received January 19, 2016.
- Exhibit B.1 Notice of Hearing dated January 15, 2016.
- Exhibit B.2 Opposition email from Wendy L. Conquergood, received on January 23, 2016.

Supplementary Notions:

The City’s representatives, Jo-Anne Richter and Leonard Cherepacha, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellants, Randy Holfeld and Ivan Englesman, 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 February 16, 2016.

The hearing concluded at 6:06 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 16, 2016, the Board determined that the requirements of the Order to Remedy Contravention, dated December 7, 2015, with respect to the property at 120 Avenue I South be **UPHELD** and the date for compliance be **EXTENDED** to **June 30, 2016**.

4. **ADOPTION OF MINUTES**

Moved By: Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on November 17, 2015 and January 5, 2016 be adopted.

CARRIED

The meeting adjourned at 6:20 p.m.

Mr. Asit Sarkar, Chair

Ms. Debby Sackmann, Secretary
Development Appeals Board