



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, November 17, 2015, 4:03 p.m.
Committee Room "E", City Hall

PRESENT: Ms. L. DeLong, A/Chair
Ms. L. Lamon
Mr. F. Sutter
Ms. D. Sackmann, Secretary

- 1. APPEAL NO. 36-2015
Order to Remedy Contravention
Rear Yard Fence Exceeding Maximum Allowable Height Above Grade
(Requiring Reduction of Fence Height in Rear Yard)
134 Copland Court – R1 Zoning District
Geoffrey Brett Marshall
(Appeal No. 36-2015)**
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The A/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. Geoffrey Marshall

Appeared for the Respondent:

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

Sharon Smart, Bylaw Inspector, Planning & Development, Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Geoffrey Brett Marshall 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 September 22, 2015 at 134 Copland Crescent.

The Order to Remedy Contravention was issued for this property on September 21, 2015 pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

“Contravention”

1. The property at 134 Copland Crescent is located in R1 zoning. In a residential zoning district no wall, fence or screen or similar structure, shall be erected in a required side or rear yard to a height or more than 2.0 metres above grade level.
2. A fence has been erected in the required rear yard of this site to a height of more than 2.0 metres above grade level which is not permitted.

You are hereby ordered to:

1. On or before October 30, 2015, reduce the height of the fence in the required rear yard to a height of not more than 2.0 metres above grade level.

Section:

4.2(1); 4.3.1(1); 8.13; 5.13(3); and 2.0 “grade level”, “site”, “structure”, “yard”, “yard rear”, and “yard, required” 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, 2015.
Exhibit A.2 Email and photographs submitted by the Appellant on November 16, 2015.
- Exhibit R.1 Order to Remedy Contravention dated September 22, 2015 from the Community Services Department, Planning & Development Division, to Geoff and Colette Marshall.
Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 4, 2015.
- Exhibit B.1 Notice of Hearing dated October 22, 2015.
Exhibit B.2 Letter from Dr. Raju Bhargava supporting the appeal, received on October 28, 2015.

- Exhibit B.3 Letter from Barbara Szpunar, supporting the appeal, received on October 29, 2015.
- Exhibit B.4 Email from Nathan Yeager supporting the appeal, received on October 29, 2015.
- Exhibit B.5 Letter from Dave Stark and Rebecca Donison in opposition to the appeal, received November 5, 2015.
- Exhibit B.6 Letter from Jim and Diane Wells supporting the appeal, received on November 8, 2015
- Exhibit B.7 Letter from William Donald Black in opposition to the appeal, received on November 9, 2015.
- Exhibit B.8 Letter from Valerie MacKenzie and Jason Hlady supporting the appeal, received November 11, 2015
- Exhibit B.9 Email from Cyprian Enweani supporting the appeal, received November 16, 2015.
- Exhibit B.10 Email from Jon Witt supporting the appeal, received November 17, 2015.

Supplementary Notions:

The City's representatives, Jo-Anne Richter and Sharon Smart, affirmed that any evidence given in this hearing would be the truth. The Appellant, Mr. Geoffrey Marshall, 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 11, 2015.

The hearing concluded at 4:28 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated December 11, 2015, the Board determined that the appeal be GRANTED.

The meeting adjourned at 4:44 p.m.

Ms. Leanne DeLong, A/Chair

Ms. Debby Sackmann, Secretary
Development Appeals Board