



**PUBLIC MINUTES  
DEVELOPMENT APPEALS BOARD**

Tuesday, December 5, 2017, 4:00 p.m.  
Committee Room "E", City Hall

PRESENT: Mr. A. Sarkar, Chair  
Ms. L. DeLong, Vice-Chair  
Ms. L. Lamon  
Ms. T. Lerat  
Mr. F. Sutter  
Ms. P. Walter, Secretary

- 1. APPEAL NO. 34-2017  
Refusal to Issue Development Permit  
Construction of an Accessory Building (Detached Garage)  
(Exceeding Maximum Allowable Rear Yard Coverage)  
475 Avenue L South – MX1 Zoning District  
Radiance Cohousing Development Company Inc.**

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. Michael Nemeth  
Ms. Shannon Dyck

**Appeared for the Respondent:**

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

**Grounds and Issues:**

THE APPELLANT, Michael Nemeth, Radiance Cohousing Development Company Inc., 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 construction of an accessory building(detached garage) at 475 Avenue L South.

The property is zoned MX1 under *Zoning Bylaw No. 8770*.

1. Requirement: Section 5.7(5) states that the maximum permitted coverage in a rear yard shall be determined by means of Graph No. 5.7(5). The subject property has a lot area of 1,522.83, which correlates to a maximum rear yard coverage of 30%

Proposed: Based on the information provided the rear yard area is 368.92m<sup>2</sup>. The proposed accessory building has an area of 195.09m<sup>2</sup> (includes existing mechanical/electrical utility building). The proposed rear yard coverage is 52.88% (195.09m<sup>2</sup>/368.92m<sup>2</sup>).

Deficiency: The rear yard coverage exceeds the maximum permitted by 22.88%.

The Appellant is seeking the Board's approval for a development permit as proposed.

**Exhibits:**

- Exhibit A.1 Application to Appeal received November 6, 2017.
- Exhibit A.2 Appellant's written argument, received November 27, 2017.
- Exhibit A.3 Radiance Cohousing information sheet, received November 27, 2017.
- Exhibit A.4 Support letter from Home Building Centre, submitted by the Appellant, received, November 27, 2017.
- Exhibit A.5 Site Plan, submitted by the Appellant, received, November 27, 2017.
- Exhibit A.6 Support letters (BLDG Studio and Blitz Appliance) submitted by the Appellant, received November 28, 2017.
- Exhibit A.7 Support letter (Shercom Industries/Avenue L Holdings) submitted by the Appellant, received November 29, 2017.
  
- Exhibit R.1 Letter dated October 27, 2017 from the Community Services Department, Planning & Development Division, to Michael Nemeth, Radiance Cohousing Company Inc.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 27, 2017.
  
- Exhibit B.1 Notice of Hearing dated November 7, 2017.
- Exhibit B.2 Support letter from Crystal Bueckert, received November 28, 2017.

**Supplementary Notations:**

The City's representative, Senior Planner Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellants, Mr. Nemeth and Ms. Dyck, 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 December 12, 2017.

The hearing concluded at 4:12 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated December 12, 2017, the Board determined that the appeal be GRANTED.

**2. APPEAL NO. 32-2017  
Order to Remedy Contravention  
Two-Unit Dwelling used as Multiple-Unit Dwelling  
(Requiring Removal of Basement Dwelling Unit)  
416 – 108<sup>th</sup> Street West – R2 Zoning District  
Clay Sumner**

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. Clay Sumner  
Ms. Jane Olson

**Appeared for the Respondent:**

Mr. Brent McAdam, Senior Planner, Community Standards  
Community Services, City of Saskatoon

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

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

**Appearing Against the Appeal:**

Mr. Harold Dopko

**Grounds and Issues:**

THE APPELLANT, Clay Sumner of Meadowview Contracting Ltd. 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 October 16, 2017 for the property located at 416 108<sup>th</sup> Street West. The Order states as follows:

**“Contravention”**

1. Building Permit No. 1478/1960 was issued for an alteration to a one-unit dwelling. Building Permit No. 164/1961 was then issued for repair to a one-unit dwelling (general repairs) and Building Permit No. 1130/1962 was issued for conversion to two-unit dwelling (interior alterations). This site located in an R2 zoning district known as 416 108<sup>th</sup> Street West has been altered and is being used for a multiple unit dwelling.
2. The form of development at 416 108<sup>th</sup> Street West has been altered into a multiple unit dwelling consisting of three dwelling units. Such a development is illegal.
3. The basement has been developed into a separate dwelling unit containing a kitchen with kitchen cabinets, kitchen sink, refrigerator, stove, kitchen table and chairs, sanitary facilities and sleeping accommodations.

**You are hereby ordered to:**

1. On or before December 16, 2017, cease using or permitting the use of the property at 416 108<sup>th</sup> Street West for the purposes of a multiple unit dwelling and remove the occupants of the illegal dwelling unit; and
2. On or before January 10, 2018, remove the illegal dwelling unit by removing kitchen elements including all upper and lower kitchen

cabinets, kitchen sink (plumbing capped off behind the wall and covered with drywall), 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 or partitions that separate the basement living space from the main floor.

**Section:**

4.2(1)-Application of Regulations; 4.3.1(1)- Development Permit Required; 8.4 One and Two-Unit Residential District; and 2.0 “alteration or altered”, “development”, “dwelling”, “development officer”, “development permit”, “dwelling unit”, “dwelling, one-unit”, “dwelling, two unit”, “dwelling, multiple unit”, “site” and “used for” of the *Zoning Bylaw No. 8770*.

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

**Exhibits:**

- Exhibit A.1 Development Appeal Application received on November 2, 2017.
- Exhibit A.2 Appellant’s document package, received November 30, 2017.
  
- Exhibit R.1 Letter dated October 16, 2017, from Planning and Development, Community Services Department to Meadowview Contracting Ltd.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 27, 2017.
  
- Exhibit B.1 Notice of Hearing dated November 6, 2017.
- Exhibit B.2 Letter from Judie Dyck regarding the appeal, received November 22, 2017

**Supplementary Notations:**

The City’s representatives, Senior Planner McAdam and Bylaw Inspector Smart, affirmed that any evidence given in this hearing and in the hearing to follow would be the truth. Senior Planner Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing would be the truth

The Appellants, Mr. Sumner and Ms. Olson, neighbouring property owner, Mr. Dopko, affirmed that any evidence given in this hearing would be the truth.

The Appellants, Respondents, and neighbouring property owner provided evidence and arguments as outlined in the Record of Decision dated December 13, 2017.

The hearing concluded at 4:46 p.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated December 13, 2017, the Board determined that the requirements of the Order to Remedy Contravention, dated October 16, 2017, with respect to the property at 416 108<sup>th</sup> Street West be **UPHELD** and the date for compliance be **EXTENDED** to January 31, 2018.

**3. APPEAL NO. 33-2017  
Order to Remedy Contravention  
One Unit Dwelling with Secondary Suite  
(Requiring Removal of Secondary Basement Suite)  
435 – 3<sup>rd</sup> Street East – R2 Zoning District  
Ruth Ann Thomas**

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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. Ruth Ann Thomas

**Appeared for the Respondent:**

Mr. Brent McAdam, Senior Planner, Community Standards, Community Services, City of Saskatoon

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

**Appeared Against the Appeal:**

Mr. Ronald Johnson

**Grounds and Issues:**

THE APPELLANT, Ruth Ann Thomas 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 September 28, 2017 for the property located at 435 3<sup>rd</sup> Street East. The Order states as follows:

**“Contravention”**

Building Permit No. 827/1952 was issued for a new one-unit dwelling at this site. The property located at 435 3<sup>rd</sup> Street East has been altered into a one-unit dwelling with a secondary suite. This development is illegal.

1. The basement has been developed into a separate dwelling unit containing sleeping facilities, sanitary facilities and kitchen with kitchen cabinets and kitchen sink, stove, refrigerator and kitchen table and chairs.

**You are hereby ordered to:**

1. On or before October 30, 2017, cease using or permitting the use of the property at 435 3<sup>rd</sup> Street East for the purposes of a one-unit dwelling with a secondary suite by removing occupants of the illegal dwelling unit; and
2. On or before November 14, 2017, remove the illegal dwelling unit by removing kitchen elements including all upper and lower kitchen cabinets, refrigerator, kitchen sink (plumbing capped off behind the wall and covered with drywall), 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 the living spaces.

**Section:**

4.2(1)-Application of Regulations; 4.3.1(1) - Development Permit Required; 8.4 One and Two-Unit Residential District; and 2.0 “alteration or altered”, “development”, “dwelling”, “dwelling unit”, “dwelling, one-unit” and “secondary suite” of the *Zoning Bylaw No. 8770*.

**Exhibits:**

- Exhibit A.1 Development Appeal Application received on October 6, 2017.
- Exhibit R.1 Letter dated September 28, 2017, 2017, from Planning and Development, Community Services Department to Ruth Ann Thomas.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received November 27, 2017.
- Exhibit B.1 Notice of Hearing dated November 6, 2017.
- Exhibit B.2 Support letter from Iain D. Phillips, received November 21, 2017.
- Exhibit B.3 Support letter from Maureen and Greg McBratney, received November 29, 2017.

**Supplementary Notations:**

The City's representatives, Senior Planner McAdam and Bylaw Inspector Smart, affirmed in the previous hearing that any evidence given in this hearing would be the truth.

The Appellant, Ms. Ruth Ann Thomas, and neighbouring property owner Mr. Johnson, 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 December 13, 2017.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated December 13, 2017, the Board determined that the requirements of the Order to Remedy Contravention, dated September 28, 2017, with respect to the property at 435 3<sup>rd</sup> Street East be **UPHELD** regarding the one-unit dwelling with a secondary suite by removing occupants of the illegal dwelling along with removing kitchen elements including all upper and lower kitchen cabinets, refrigerator, kitchen sink (plumbing capped off behind the wall and covered with drywall), 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 the living spaces and the date for compliance be **EXTENDED** to January 31, 2018.

The Appellant also has the following options:

1. THAT the Appellant apply for the Legalizing Existing Suites (LES) Program by **January 31, 2018**;

**OR**

2. THAT the Appellant apply for a wet bar permit including the requiring removal of the 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 the living spaces be completed by **January 31, 2018**.

#### **4. ADOPTION OF MINUTES**

**Moved By:** Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on November 7, 2017, be adopted.

**CARRIED**

The meeting adjourned at 5:29 p.m.

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Mr. Asit Sarkar, Chair

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Ms. Penny Walter, Secretary  
Development Appeals Board