



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, June 2, 2015, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Ms. C. Ruys, Chair
Ms. L. DeLong
Ms. L. Lamon
Mr. A. Sarkar
Committee Assistant P. Walter, Secretary

**1. APPEAL NO. 11-2015
Order to Remedy Contravention
Materials Piled Higher than Perimeter Fence
Requiring Reduction of Piled Material
1920 Quebec Avenue – IH Zoning District
Mark Riffel, B. N. Steel and Metals (2002) Inc.**

The Board received the following documents in advance of the hearing:

- Undertaking from Appellant dated May 6, 2015; and
- Undertaking from Respondent dated May 29, 2015.

The Chair explained that the Board would be asking questions of the Respondent and the Appellant regarding the undertakings provided. There would be no more testimony required. Testimony from all parties was given at the April 28, 2105 hearing.

Appeared for the Appellant:

Mr. Mark Riffel, B. N. Steel & Metal

Appeared for the Respondent:

Ms. Jo-Anne Richter, City of Saskatoon, Community Services Department,
Planning and Development Division

Mr. Leonard Cherepacha, City of Saskatoon, Community Services Department,
Planning and Development Division

Grounds and Issues:

THE APPELLANT, Mark Riffel of B. N. Steel & Metal (2002) Inc. 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 January 28, 2015.

The Order to Remedy Contravention was issued for this property on January 28, 2015 pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

“Contravention”

The materials in the yard are piled higher than the perimeter fence.

You are hereby ordered to:

1. On or before March 5, 2015, reduce the material in the yard located at 1920 Quebec Avenue so that no material is piled higher than the perimeter fence.

Section:

4.2(1); 4.3.1(1); 5.22(1); 11.5 and 2.0 “junk and salvage yards” of Zoning Bylaw No. 8770.”

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

Exhibits:

- Exhibit A.1 Application to Appeal received February 24, 2015.
- Exhibit R.1 Letter dated January 28, 2015 from the Community Services Department, Planning and Development Division, to BN Steel & Metals (2002) Inc.
- Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received March 18, 2015.
- Exhibit B.1 Notice of Hearing dated March 9, 2015.
- Exhibit B.2 Opposition email from Ken Achs, received March 23, 2015.
- Exhibit B.3 Opposition letter from Darryl Yausie, ABC Canada Technology Group, received March 24, 2015.

Exhibit B.4 Support letter from Saskatoon Boiler Mfg. Co. Ltd., received
March 27, 2015

Supplementary Notions:

The City's representatives, Jo-Anne Richter and Leonard Cherepacha, affirmed that any evidence given in this hearing would be the truth. The Appellant, Mark Riffel, 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 June 19, 2015.

The hearing concluded at 4:11 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated June 19, 2015, the Board determined that the appeal be GRANTED.

Mr. Cherepacha excused himself from the meeting at 4:11 p.m.

**2. APPEAL NO. 17-2015
Refusal to Issue Development Permit
Proposed Addition to Repair Shop
(With Front Yard Setback Deficiency and Front Yard Landscaping Deficiency)
921 43rd Street East – IL1 Zoning District
Wheaton GMC Buick Cadillac 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. C. Ross Wheaton, Landowner
Mr. Scott Cook, General Manager, Wheaton GMC Buick Cadillac
Mr. Laird Ritchie, Ledcor Construction
Mr. Evan Zuk, Ledcor Construction
Mr. Travis Elkin, Rempel Engineering & Management

Appeared for the Respondent:

Ms. Paula Kotasek-Toth, City of Saskatoon, Community Services Department,
Planning and Development Division

Grounds and Issues:

THE APPELLANT, Wheaton GMC Buick Cadillac 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 proposed addition to a repair shop with a front yard setback deficiency and front yard landscaping deficiency, for the property located at 921 43rd Street East.

The property is zoned IL1 under Zoning Bylaw No. 8770.

Section 11.1.2(1) states that in an IL1 district, all buildings are required to have a minimum front yard setback of 6.0 metres.

Section 11.1.8(1) states that in an IL1 district, a landscaped strip of not less than 4.5 metres in depth throughout, lying parallel to and abutting the front site line, shall be provided on every site and shall be used for no purpose except landscaping and necessary driveway access to the site.

Based on the information provided:

- The front yard setback is 1.0 metre. This equals a front yard setback deficiency of 5.0 metres; and
- There is no landscaping in the front yard. This results in a landscaping deficiency of 4.5 metres in the front yard.

The Appellant is seeking the Board's approval for the Development Permit as submitted.

Exhibits:

Exhibit A.1 Application to Appeal received April 24, 2015.

Exhibit R.1 Letter dated April 17, 2015 from the Community Services Department, Planning and Development Division, to Evan Zuk, Ledcor Construction Ltd.

Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received May 12, 2015.

Exhibit B.1 Notice of Hearing dated May 5, 2015.

Exhibit B.2 Opposition letter from F. L. Burron, Burron Lumber, received May 12, 2015.

Exhibit B.3 Letter and email from Helene Fleischer, CN Railway Properties, received May 15, 2015.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing would be the truth. The Appellants, C. Ross Wheaton, Scott Cook, Laird Ritchie, Evan Zuk, and Travis Elkin, 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 June 19, 2015.

The hearing concluded at 4:28 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated June 19, 2015, the Board determined that the appeal be GRANTED.

Ms. Kotasek-Toth excused herself from the meeting at 4:28 p.m.

**3. APPEAL NO. 18-2015
Refusal to Issue Development Permit
Order to Remedy Contravention
Prohibited Use of Property and Detached Accessory Building
for Purposes of Non-Resident Motor Vehicle Repair,
Refurbishment and Modification
219 Pritchard Terrace – R1A Zoning District
Andrew and Melissa McElwee**

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. Andrew McElwee
Ms. Melissa McElwee

Appeared for the Respondent:

Ms. Jo-Anne Richter, City of Saskatoon, Community Services Department,
Planning and Development Division

Ms. Sharon Smart, City of Saskatoon, Community Services Department,
Planning and Development Division

Appeared Speaking For the Appeal Application:

Mr. Rich Sach

Grounds and Issues:

THE APPELLANT, G. Bruce McDonald on behalf of Andrew and Melissa McElwee 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 April 9, 2015, regarding 219 Pritchard Terrace.

The Order to Remedy Contravention was issued for this property on April 9, 2015, pursuant to Section 242(4) of *The Planning and Development Act, 2007*, and the Order states as follows:

"Contravention:

1. The property at 219 Pritchard Terrace was inspected and is being used for the purposes of repairing, modifying, or refurbishing vehicles not owned by the primary occupants which is prohibited in a residential district.
2. The property at 219 Pritchard Terrace was inspected and the detached accessory building at 219 located in the rear yard is being used for the purposes of non-resident vehicle repair.

3. The accessory building at 219 Pritchard Terrace is not being used for the convenience and necessity of the occupants of the principal building or principal use served.

You are hereby ordered to:

1. On or before May 19, 2015, to cease using or permitting the use of the property located at 219 Pritchard Terrace for the purpose of refurbishing and repair of vehicles not owned by primary occupants of the principal building.

Section:

4.2(1); 4.3.1(1); 5.17(6), and (7); 8.2.2 and 2.0 “accessory building or use”, “vehicle” and “used for” 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 May 8, 2015.
- Exhibit A.2 Letter from Sharon Smart to the McElwees' submitted by Appellant, received May 25, 2015.
- Exhibit A.3 Email thread between Sharon Smart and Andrew McElwee, received May 25, 2015.

- Exhibit R.1 Letter dated April 9, 2015 from the Community Services Department, Planning and Development Division, to Andrew and Melissa McElwee.
- Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received May 20, 2015.

- Exhibit B.1 Notice of Hearing dated May 13, 2015.
- Exhibit B.2 Opposition email from Abraham and Leela Ninan, received May 20, 2015.
- Exhibit B.3 Opposition email from Bill and Beverly Prokopishin, received May 27, 2015.
- Exhibit B.4 Opposition email from Myles Heidt, received May 27, 2015.
- Exhibit B.5 Opposition email from Ronald & Rosanne Adams, received May 29, 2015.
- Exhibit B.6 Support email from Greg and Elaine Vogelsang, received June 1, 2015.

Exhibit B.7 Email from Timothy Leis, received June 2, 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 Appellants, Andrew and Melissa McElwee, also affirmed that any evidence given in this hearing would be the truth. Mr. Rich Sach, speaking in favour of the appeal application, also affirmed that any evidence given in the hearing would be the truth.

The Appellants and Respondents provided evidence and arguments as outlined in the Record of Decision dated June 19, 2015.

The hearing concluded at 5:32 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated June 19, 2015, the Board determined that the appeal be GRANTED.

4. ADOPTION OF MINUTES

4.1 Minutes of Regular Meeting of the Development Appeals Board on April 21, 2015

Moved by: Ms. Lamon

That the minutes of meeting held on April 21, 2015, be adopted.

CARRIED

4.2 Minutes of Regular Meeting of the Development Appeals Board on April 28, 2015

Moved by: Ms. Lamon

That the minutes of meeting held on April 28, 2015 be adopted.

CARRIED

**4.3 Minutes of Regular Meeting of the Development Appeals Board on
May 5, 2015**

Moved by: Ms. Lamon

That the minutes of meeting held on May 5, 2015 be adopted.

CARRIED

The meeting adjourned at 5:45 p.m.

Ms. Christine Ruys, Chair