



PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD
March 27, 2018, 4:00 p.m.
Committee Room E, Ground Floor, City Hall

PRESENT: Mr. A. Sarkar, Chair
 Ms. L. DeLong, Vice-Chair
 Mr. L. Kowalko, Member
 Ms. L. Lamon, Member
 Committee Assistant P. Walter, Secretary

Introductions were held. The Chair commenced the hearing at 4:00 p.m. and briefly outlined the procedures that would be followed during the course of the hearing.

1. **Appeal No. 10-2018**
 Appeal of Conditions of Approval – Subdivision 44/17
 522 Cornish Road
 Garett Dmytrowich

Appeared for the Appellant:

Mr. Alex Miller, CEO, Innovative Residential Investments
Mr. Garett Dmytrowich

Appeared for the Respondent:

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

Mr. Daryl Schmidt, Land Development Manager, Construction & Design,
Transportation & Utilities, City of Saskatoon

Ms. Valerie Hardy, Land Development Coordinator, Construction & Design,
Transportation & Utilities, City of Saskatoon

Grounds and Issues:

Garett Dmytrowich has filed an appeal under Section 176(6) of *The Planning and Development Act, 2007*, in connection with conditions of approval for Subdivision 44/17 for the property located at 522 Cornish Road.

The property is zoned RMTN under *Zoning Bylaw No. 8770* and the appellant is appealing the following conditions:

Condition 1 c) The payment of \$18,268.65 including GST, being the required additional offsite levy charges.

The Appellant is seeking the Board's approval for removal of subdivision condition.

Preliminary Issues:

Mr. Miller requested to submit into evidence a document regarding City of Saskatoon Bylaw information. The Respondents agreed to allow the submission and the Board concurred. The document was entered into the record as Exhibit A.2.

Exhibits:

- Exhibit A.1 Application to appeal received on February 15, 2018.
- Exhibit A.2 Document submitted by Appellant at meeting, March 27, 2018.

- Exhibit R.1 Letter dated January 23, 2018, from the City Clerk to Innovative Residential.
- Exhibit R.2 Location Plan submitted by Planning and Development, Community Services Department, received on February 26, 2018.
- Exhibit R.3 Plan of Proposed Subdivision submitted by Planning and Development, Community Services Department, received on February 21, 2018.

- Exhibit B.1 Notice of Hearing dated February 16, 2018.

Supplementary Notations:

The Respondents, Senior Planner Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearings to follow, would be the truth. Land Development Manager Schmidt, Land Development Coordinator Hardy, and the Appellants, Mr. Miller and Mr. Dmytrowich affirmed that any evidence given in this hearing would be the truth.

The Respondents and Appellants gave evidence and argument as outlined in the Record of Decision dated April 13, 2018.

The hearing concluded at 5:04 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated April 13, 2018, the Board determined that the appeal be GRANTED.

Land Development Manager Schmidt and Land Development Coordinator Hardy, excused themselves from the meeting at 5:05 p.m.

**2. Appeal No. 11-2018
Development Permit Denial
Proposed New One-Unit Dwelling
(Site Coverage, Rear Yard Setback, and Sidewall Area Deficiencies)
600 McPherson Avenue – R2 Zoning District
On the Mark Residential Project Management on behalf of
Brianna Bergeron and Adam Wolf**

Appeared for the Appellant:

Mark Kindrachuk, On The Mark Homes
Adam Wolf
Brianna Bergeron

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Mark Kindrachuk, On the Mark Residential Project Management, on behalf of Brianna Bergeron and Adam Wolf, 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 new one-unit dwelling located at 600 McPherson Avenue. The Board is required by law to send a notice in order to give the neighbouring property owners opportunity to register their comments in writing regarding the bylaw deficiencies for this property.

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

1. Requirement: Section 8.4.2(1) states that the maximum site coverage for the principle dwelling shall be no more than 40% with an additional 10% allocated for an attached covered porch.

Proposed: Based on the information provided, the total site coverage is 53.08%.

Deficiency: The maximum site coverage of the site is exceeded by 3.08%.

2. Requirement: Section 8.4.2(1) states that the minimum rear yard setback for a corner lot is 4.5 metres.

Proposed: Based on the information provided, the rear yard setback is 3.17 metres.

Deficiency: The rear yard setback is deficient 1.33 metres.

3. Requirement: Section 5.44(1) outlines the allowable sidewall area provisions that apply to new one-unit dwellings. This calculation for the building height and wall length is further outlined within this section of the bylaw

Proposed: Based on the information provided, a maximum sidewall was calculated as 94.84 metres square for the north elevation, and 94.5 square metres for the south elevation. This results in a sidewall area for both north and south elevations of 107.397 square metres.

Deficiency: The maximum sidewall area is exceeded at the north elevation is by 12.56 metres square and the south elevation by 12.90 square metres.

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

Exhibits:

- Exhibit A.1 Application to Appeal received March 9, 2018.
- Exhibit R.1 Letter dated March 5, 2018 from the Community Services Department, Planning & Development Division, to On the Mark Residential Project Management.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received March 21, 2018.
- Exhibit B.1 Notice of Hearing dated March 14, 2018.

Supplementary Notations:

The Respondent, Senior Planner Kotasek-Toth affirmed in the previous hearing that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellants, Mr. Kindrachuk, Mr. Wolf and Ms. Bergeron affirmed that any evidence given in this hearing would be the truth.

The Respondent and Appellants gave evidence and argument as outlined in the Record of Decision dated April 6, 2018.

The hearing concluded at 5:22 p.m.

RESOLVED: That the appeal be GRANTED.

**3. Appeal No. 12-2018
Development Permit Denial
Proposed Addition to One-Unit Dwelling
(Minimum Front Yard Setback Deficiency)
231 – 5th Street East – R2 Zoning District
Thomas Nahachewsky for Melanie and Emile Nahachewsky**

Appeared for the Appellant:

Mr. Emile Nahachewsky, property owner
Ms. Melanie Nahachewsky, property owner
Mr. Glen Hertzke, Concept Plus Architecture and Engineering Inc.

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANT, Thomas Nahachewsky, on behalf of Melanie and Emile Nahachewsky, 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 one-unit dwelling located at 231 5th Street East. The Board is required by law to send a notice in order to give the neighbouring property owners opportunity to register their comments in writing regarding the bylaw deficiencies for this property.

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

Requirement: Section 8.4.2(1) states that the minimum front yard setback must be at least 6 metres.

Proposed: Based on the information provided, the area of the proposed addition has a front yard setback of 5.029 metres.

Deficiency: The minimum front yard setback is deficient 0.971 metres.

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

Exhibits:

- Exhibit A.1 Application to Appeal received March 14, 2018.
- Exhibit R.1 Letter dated February 9, 2018 from the Community Services Department, Planning & Development Division, to Concept Plus Architecture and Engineering.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received March 21, 2018.
- Exhibit B.1 Notice of Hearing dated March 14, 2018.
- Exhibit B.2 Email from Perry Boire and Maxine Boese supporting the appeal, received on March 16, 2018.
- Exhibit B.3 Letter from Doreen Fairburn supporting the appeal, received March 21, 2018.

Supplementary Notations:

The Respondents, Senior Planner Kotasek-Toth affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellants, Mr. Nahachewsky, Ms. Nahachewsky, and Mr. Hertzke, affirmed that any evidence given in this hearing would be the truth.

The Respondent and Appellants gave evidence and argument as outlined in the Record of Decision dated April 6, 2018.

The hearing concluded at 5:34p.m.

RESOLVED: That the appeal be GRANTED.

4. ADOPTION OF MINUTES

Moved By: Ms. Lamon

That the minutes of meeting of the Development Appeals Board held on February 13, 2018, January 9, 2018 and on January 23, 2018, be adopted.

CARRIED

The meeting adjourned at 5:49 p.m.

Mr. Asit Sarkar, Chair

Ms. Penny Walter, Secretary
Development Appeals Board