

Committee Room E
City Hall, Saskatoon, SK
February 10, 2015
at 4:01 p.m.

MINUTES

OPEN TO THE PUBLIC

DEVELOPMENT APPEALS BOARD

PRESENT: Ms. Christine Ruys, Chair
Ms. Leanne DeLong
Ms. Lois Lamon
Mr. Asit Sarkar
Secretary, Penny Walter

- 1. Appeal No. 1-2015
Refusal to Issue Development Permit
Proposed Fence
(Exceeding Maximum Allowable Height)
138 Copland Court
Barbara Szpunar**

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:

Barbara Szpunar

APPEARED FOR THE RESPONDENT:

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

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

GROUND AND ISSUES:

THE APPELLANT, Barbara Szpunar has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the refusal to issue a Development Permit to erect a fence in the required rear yard at 138 Copland Court.

The property is zoned R1 under Zoning Bylaw 8770.

Section 5.13(2) of the Zoning Bylaw states that a fence erected in a required rear yard, or on a site line adjacent to a required rear yard, shall not exceed a height of more than 2.0 metres (6.56 feet) above grade level.

Based on the information provided:

- The proposed fence will be 2.44 metres (8.0 feet) in height above grade; and
- The height of the proposed fence also exceeds the allowable height by 0.44 metres (1.44 feet).

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

EXHIBITS:

- Exhibit A.1 Application to Appeal received January 15, 2015.
Exhibit A.2 Email from Barbara Szpunar to the Secretary, Development Appeals Board, received January 16, 2015.
Exhibit A.3 Photograph submitted by Barbara Szpunar on February 9, 2015.
- Exhibit R.1 Letter dated December 23, 2014 from the Community Services Department, Planning and Development Division, to Barbara Szpunar.
Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received February 2, 2015.
- Exhibit B.1 Notice of Hearing dated January 16, 2015.
Exhibit B.2 Support letter from Marie Kononoff, received January 29, 2015.
Exhibit B.3 Opposition letter from David E. Stark, received February 6, 2015.

SUPPLEMENTARY NOTATIONS:

The City's representatives, Jo-Anne Richter and Paula Kotasek-Toth, affirmed that any evidence given in this hearing would be the truth. The Appellant, Barbara Szpunar, 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 24, 2015.

The hearing concluded at 4:42 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 24, 2015, the Board determined that the appeal be GRANTED.

**2. Appeal No. 2-2015
Refusal to Issue Development Permit
8-Unit Industrial Complex
(With Front Yard Setback Deficiency)
3924 Brodsky Avenue – IH2 Zoning District
Tim Burns, CityLife Investment Corp.**

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:

Dave McLellan, Citylife Investment Corp.

APPEARED FOR THE RESPONDENT:

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

GROUNDS AND ISSUES:

THE APPELLANT, Tim Burns, Citylife Investment Corp. has filed an appeal under Section 219(1)(b) of *The Planning and Development Act, 2007* in connection with the

refusal to issue a Development Permit to an 8-unit industrial complex with a front yard setback deficiency.

The property is zoned IH2 under Zoning Bylaw 8770.

Section 11.6.2 of the Zoning Bylaw states that all permitted uses and buildings within the IH2 Zoning District are required to have a minimum front yard setback of 6 metres (19.69 ft).

Based on the information provided, the front building setback is 5.34 metres (17.52 ft). This equals a front building setback deficiency of 0.66 metres (2.17ft).

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

EXHIBITS:

Exhibit A.1 Application to Appeal received January 22, 2015.

Exhibit R.1 Letter dated January 6, 2015 from the Community Services Department, Planning and Development Division, to Tim Burns, Citylife Investment Corp.

Exhibit R.2 Location Plan and Site Plan from Planning and Development Division, Community Services Department, received January 30, 2015.

Exhibit B.1 Notice of Hearing dated January 26, 2015.

SUPPLEMENTARY NOTATIONS:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing would be the truth. The Appellant, Dave McLellan, also affirmed that any evidence given in this hearing would be the truth.

The Appellant and Respondent provided evidence and arguments as outlined in the Record of Decision dated February 24, 2015.

The hearing concluded at 4:58 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 24, 2014, the Board determined that the appeal be GRANTED.

3. 2015 Board Chair

Nominations were open for 2015 Board Chair.

Moved by: A. Sarkar,

that Christine Ruys be appointed as Chair of the Development Appeals Board for 2015.

CARRIED

Moved by: L. Lamon,

that the meeting be adjourned.

CARRIED

The meeting adjourned at 5:08

Christine Ruys, Chair