



**PUBLIC MINUTES
DEVELOPMENT APPEALS BOARD**

Tuesday, January 19, 2016, 4:00 p.m.
Committee Room "E", City Hall

PRESENT: Mr. A. Sarkar, Chair
Mr. F. Sutter
Mr. B. Wiebe
Ms. D. Sackmann, Secretary

**1. APPEAL NO. 1-2016
Refusal to Issue Development Permit
Proposed New One-Unit Dwelling
(With Front Yard Setback Deficiency)
103 Poplar Crescent (Lot 5) – R2 and FP Zoning Districts
Slade Desrochers**

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. Slade Desrochers

Appeared for the Respondent:

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

Appeared Against the Appeal:

Drs. James and Carol Pond

Grounds and Issues:

THE APPELLANT, Slade Desrochers 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 new one-unit dwelling located on a proposed site to be subdivided from the property at 103 Poplar Crescent.

The property is zoned R2 and FP (Flood Plain Overlay District) under *Zoning Bylaw No. 8770*.

Section 8.4.3 states that the front yard setback requirement for one-unit dwellings in established neighbourhoods shall not vary by more than 3.0 metres from the average front yard setback of the principal buildings on adjacent, flanking sites provided that in no case shall the setback be less than 6.0 metres. Shown is a front yard setback along Idylwyld Crescent of 1.219 metres. This equals a front building setback deficiency of 4.781 metres.

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

Exhibits:

- Exhibit A.1 Application to Appeal received December 23, 2015.
- Exhibit R.1 Letter dated December 14, 2015 from the Community Services Department, Planning & Development Division, to Slade Desrochers.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received January 11, 2016.
- Exhibit B.1 Notice of Hearing dated December 30, 2015.
- Exhibit B.2 Email from Kathy Donnelly supporting the appeal, received on January 11, 2016.
- Exhibit B.3 Email from Al Douma opposing the appeal, received on January 12, 2016.
- Exhibit B.4 Letter from Paul Baby opposing the appeal, received on January 12, 2016.
- Exhibit B.5 Letter from Bernie Mazurik opposing the appeal, received January 13, 2016.
- Exhibit B.6 Letter from Drs. Carole and James Pond opposing the appeal, received on January 15, 2016.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellant, Slade Desrochers, 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 2, 2016.

The hearing concluded at 4:37 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 2, 2016, the Board determined that the appeal be DENIED.

**2. APPEAL NO. 3-2016
Development Permit Denial
Proposed Attached Deck to One-Unit Dwelling
(With Side Yard Deficiency)
2964 Cumberland Avenue South – R1A Zoning District
Mervin and Ellen Berscheid**

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. Mervin Berscheid
Mrs. Ellen Berscheid

Appeared for the Respondent:

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

Grounds and Issues:

THE APPELLANTS, Mervin and Ellen Berscheid have 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 an attached deck to one-unit dwelling at 2964 Cumberland Avenue South.

The property is zoned R1A under Zoning Bylaw No. 8770.

Section 5.8(4)(b) states that raised patios and decks more than 0.6 metres in height above grade cannot project more than 25% of the width of the required 0.75 metre side yard. On the site plan submitted, the raised deck is 0.762 metres above grade and projects 0.75 metres into the required side yard. This creates a side yard deficiency to the South of 0.562 metres.

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

Exhibits:

- Exhibit A.1 Application to Appeal received December 30, 2015.
- Exhibit A.2 Letter and photograph submitted by the Appellant, received January 15, 2016.

- Exhibit R.1 Letter dated December 3, 2015 from the Community Services Department, Planning & Development Division, to Mervin Berscheid.
- Exhibit R.2 Location Plan and Site Plan from Planning & Development Division, Community Services Department, received January 11, 2016.

- Exhibit B.1 Notice of Hearing dated January 5, 2016.
- Exhibit B.2 Email from Terry Mattson supporting the appeal, received on December 30, 2015.
- Exhibit B.3 Email from Suzanne and Ivor Basker supporting the appeal, received on January 9, 2016.

Supplementary Notions:

The City's representative, Paula Kotasek-Toth, affirmed in the previous hearing that any evidence given in this hearing would be the truth. The Appellants,

Mervin and Ellen Berscheid, 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 February 2, 2016.

The hearing concluded at 4:55 p.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated February 2, 2016, the Board determined that the appeal be GRANTED.

The meeting adjourned at 5:13 p.m.

Mr. Asit Sarkar, Chair

Ms. Debby Sackmann, Secretary
Development Appeals Board